

LOS ALAMITOS POLICE DEPARTMENT

DR#93-155

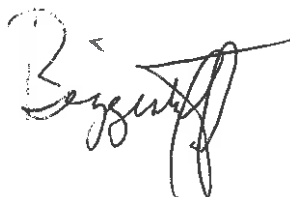
MEMORANDUM TO FILE

JULY 9, 1993

THE LOS ALAMITOS POLICE DEPARTMENT COPY OF THE ORANGE COUNTY SHERIFF'S
INVESTIGATION, CASE #93-4064 (2 VOLUMES), RELEASED TO BRUCE PRAET BY
COMMANDER GARY BIGGERSTAFF ON 7/9/93.



7-9-93



HOMICIDE

January 26, 1993

INVESTIGATORS: R. RUSSELL and R. RAMOS
INCIDENT: FATAL OFFICER INVOLVED SHOOTING
Shooters: Corporal Victoriano CANTU Jr. (L.A.P.D.)
Officer Mark VAN HOLT (L.A.P.D.)
Victim: Sylvan Randall BYRD, AGE 40
Date/Time: Saturday, January 23, 1993 approx. 1748 hours
Location: 3572 Howard Avenue, Apt. #4, Los Alamitos

SUMMARY:

On Saturday, January 23, 1993, 1745 hours, Corporal CANTU and Officer VAN HOLT of the Los Alamitos Police Department responded to 3572 Howard Street, Los Alamitos reference a family disturbance. Both officers were wearing the navy blue police uniforms, with shoulder patches, of the Los Alamitos Police Department, and both were driving marked black and white Los Alamitos Police units.

Corporal CANTU was assigned as the backup officer and was the first officer to arrive at the location, an apartment complex. Corporal CANTU was met at the location, near apt. # 1, by a [REDACTED] who directed him to apt.# 4, and advised that was where the disturbance was. [REDACTED] point upstairs to where apartment # 4 was located.

Upon reaching the bottom of the stairs, Corporal CANTU was contacted by another [REDACTED]. [REDACTED] told Corporal CANTU, [REDACTED] heard a male subject (Sylvan BYRD) in apartment # 4 say, " Don't make me hurt you again".

Corporal CANTU went up the stairs, to apartment #4, and waited for Officer VAN HOLT'S arrival. While waiting, Corporal CANTU put his ear to the door of apartment #4 and heard a male (BYRD) talking, however, Corporal CANTU could not make out what he was saying. Corporal CANTU also heard a [REDACTED] crying, but heard no yelling.

Apartment #4 is located up a flight of stairs on the second floor in approximately the center of the apartment building and shares the same 4 foot by 4 foot stairway landing, with apartment # 5.

Officer VAN HOLT arrived and took a position to the left of the apartment door at the top of the stairs and Corporal CANTU took a position against a wall on the stairway landing, directly adjacent to the right side of the apartment door.

Corporal CANTU knocked, (4) or (5) times, loudly on the apartment door. Because the stairway landing was well lit, Corporal CANTU covered the peep hole in the door with his hand for officer safety.

There was no verbal response, however, Corporal CANTU saw the door knob turning and the door opened about eighteen (18) inches. Corporal CANTU saw the right half portion of a male (later identified as BYRD) in a crouched position behind the door with his right hand behind his back.

Corporal CANTU greeted BYRD in his usual salutation, by saying, "Hello" or "Howdy", and then told him to show him his hand. Corporal CANTU told BYRD (3) or (4) more times to show him his hand. CANTU advised, BYRD looked back and forth at the two (2) uniformed officers twice, with no verbal response. Both officers were in full uniform with sam browne's, and batons.

BYRD brought his right hand from behind his back and Corporal CANTU saw a

chrome plated handgun in BYRD's right hand with his finger on the trigger. BYRD started to close the door and was pointing the gun in Officer VAN HOLT'S direction. Corporal CANTU felt BYRD was going to shoot Officer VAN HOLT, so he pushed against the door to keep it from closing and shot through the door several times in the area where BYRD had been standing. Officer VAN HOLT also saw BYRD pointing the gun at him, so fearing for his life, he also shot at BYRD several times. Corporal CANTU remembers hearing other gunshots, however, he doesn't know where they were coming from.

Corporal CANTU and Officer VAN HOLT entered the apartment and found BYRD lying face down on the kitchen floor, adjacent to the apartment door. Corporal CANTU handcuffed BYRD, while Officer VAN HOLT handcuffed the screaming [REDACTED] inside the apartment.

Officer VANHOLT put out a 998 on the Los Alamitos P.D. green channel frequency and Corporal CANTU used the County Wide Red Channel, requesting paramedics. The paramedics responded, treated BYRD at the scene, and then transported him to Los Alamitos Medical Center where he was pronounced dead.

All witnesses and neighbors were interviewed by Sheriff's Investigators. Corporal CANTU refused his association attorney's request, and gave investigators a taped statement. Officer VAN HOLT refused to give a statement upon his association attorney's request. However, Officer VAN HOLT was ordered by their department to write a report on the incident. This is a coerced statement that is only for the internal investigation.

The shooting scene was processed by Sheriff's Department Forensic personnel and investigators. The scene investigation revealed a total of fifteen (15), 45 caliber rounds were fired by both Corporal CANTU and Officer VAN HOLT (CANTU-7 = VAN HOLT-8). BYRD had a "Walter" PPK/S 380 caliber semi-automatic pistol. The

weapon was loaded with one (1) round in the chamber, six (6) live rounds in the magazine and the hammer was cocked. No 380 caliber cartridge casings were found at the scene.

On Sunday, January 24, 1993 an autopsy was performed on BYRD'S body by board certified Forensic Pathologist Doctor David KATSUYAMA. The autopsy revealed BYRD sustained three (3) gunshot wounds to the upper torso; right shoulder, right collar bone area and the right side. BYRD also sustained one (1) gunshot wound to the left leg, just below the knee. Doctor KATSUYAMA said BYRD died from exsanguination due to gunshot wounds to the right lung, liver, mesentery, and left iliac artery.

1. Copies To:

2. Case No. 93-04064

**SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA**

2a. Citation No.

Priority: ☐ Yes ☐ No

BRAD GATES, SHERIFF-CORONER

INITIAL CRIME REPORT

OFFENSE CPC 187 MURDER		4. DATE-TIME COMMITTED SATURDAY 1-23-93, APPROXIMATELY 1745 HOURS										
5. WHERE COMMITTED 3572 HOWARD AVE., APT. #4, LOS ALAMITOS		6. GRID 796-J3	7. DATE-TIME REPORTED									
8. INFORMANT INVESTIGATOR R. RUSSELL #105		9. ADDRESS-PHONE OCSD/HOMICIDE										
10. VICTIM BYRD, Sylvan Randall		11. ADDRESS-PHONE 3572 HOWARD AVE., APT. #4, LOS ALAMITOS										
12. BUSINESS ADDRESS-PHONE N/A		13. CONTACT TIME-ADDRESS N/A										
14. FIRM NAME OF VICTIM N/A		15. BUSINESS ADDRESS-PHONE N/A										
16. VICTIM'S OCCUPATION RACE SEX AGE TRUCK DRIVER W M 40		17. TYPE OF PREMISES OR LOCATION WHERE OFFENSE WAS COMMITTED FRONT DOOR OF VICTIM'S APARTMENT										
LET ON APPLICABLE FELONIES, MISD., SEX AND THEFTS	18. POINT OF ENTRY CRIMES AGAINST PROPERTY		22. WEAPON OR MEANS USED CRIMES AGAINST PERSONS 45 Cal. Semi-Automatic Pistol									
	19. INSTRUMENT OR MEANS USED		23. VICTIM'S ACTIVITY AT TIME OF OFFENSE Opens front door with loaded handgun									
	20. METHOD USED		24. EXACT WORDS USED BY SUSPECT None									
	21. WHERE WERE OCCUPANTS AT TIME OF OFFENSE?		25. FORCE OR METHOD USED. Victim shot with 45 Cal. Semi-Auto Pistol									
	26. APPARENT MOTIVE - TYPE PROPERTY TAKEN Victim is shot when he points a loaded handgun at police officers		27. TOTAL VALUE STOLEN \$ N/A									
	28. UNIQUE OR UNUSUAL ACTIONS BY SUSPECT(S) Victim answers the front door with a loaded handgun and points it at police officers											
	29. VEHICLE USED BY SUSPECT(S) YEAR, MAKE, BODY TYPE, COLOR, LIC. NO., AND ANY OTHER IDENTIFYING MARKS N/A											
30. WITNESSES R/B RESIDENCE/BUSINESS ADDRESS-PHONE												
(1) Refer to follow-up reports		R										
		B										
(2)		R										
		B										
(3)		R										
		B										
31. SUSPECT(S) (IF ARRESTED, NAME, ADDRESS, AND BOOKING NUMBER)		BKG. NBR.										
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QUAN.	ARTICLE	BRAND	SERIAL NO.	MODEL NO.	MISC. DESCRIPTION	VALUE						
<p>The victim is shot by two (2) on-duty Los Alamitos Police Department, Police Officers after the officers responded to the victim's residence reference a disturbance call. The victim answered the front door of his apartment with a loaded handgun and pointed it at the officers.</p> <p>For further refer to the follow-up reports</p>												
33. INVESTIGATING OFFICERS Inv. R. RUSSELL/R. RAMOS				REPORT BY R. RUSSELL		34. DATE OF REPORT FRIDAY 2-19-93		35. APPROVED SGT. J. SIDOTHAM #80				

1. Copies To:

2. Case No. 93-04064A

**SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA**

2a. Citation No.

Priority: ☐ Yes ☐ No

BRAD GATES, SHERIFF-CORONER

INITIAL CRIME REPORT

OFFENSE CPC 664/187 ATTEMPT MURDER		4. DATE-TIME COMMITTED Saturday 1-23-93 Approximately 1745 Hours																																														
5. WHERE COMMITTED 3572 Howard Ave., Apt. #4, Los Alamitos		6. GRID 796-J3	7. DATE-TIME REPORTED																																													
8. INFORMANT Investigator R. Russell #105		9. ADDRESS-PHONE [REDACTED]																																														
10. VICTIM DOB Corporal Victoriano Cantu Jr. [REDACTED]		11. ADDRESS-PHONE Los Alamitos Police Department [REDACTED]																																														
12. BUSINESS ADDRESS-PHONE 3201 Katella Av., Los Alamitos [REDACTED]		13. CONTACT TIME-ADDRESS Daytime at business																																														
14. FIRM NAME OF VICTIM N/A		15. BUSINESS ADDRESS-PHONE N/A																																														
16. VICTIM'S OCCUPATION RACE SEX AGE Peace Officer W M 45		17. TYPE OF PREMISES OR LOCATION WHERE OFFENSE WAS COMMITTED Front door of suspect's apartment																																														
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(1) Officer Mark VanHolt #4	R	B	3201 Katella Av. Los Alamitos [REDACTED]																																													
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1. Copies To:

2. Case No. 93-04064B

**SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA**

2a. Citation No.

Priority: ☐ Yes ☐ No

PRAD GATES, SHERIFF-CORONER

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LOS ALAMITOS POLICE DEPARTMENT
NARRATIVE REPORT

PAGE 1

CASE# 93-0155S

1-23-93 1748 HRS.

AT ABOVE DATE AND TIME UNDERSIGNED OFFICER WAS OFF DUTY AND DRIVING MY DEPARTMENT ASSIGNED VEHICLE EQUIPPED WITH A DEPARTMENT POLICE RADIO WHEN I HEARD A 998 CALL (OFFICER INVOLVED IN A SHOOTING).

I MONITORED THE RADIO TRAFFIC FOR SEVERAL MINUTES UNTIL I HEARD THE WATCH COMMANDER, SGT. ARL FARRIS ADVISE THE STATION THAT PARAMEDICS WERE NEEDED AND THAT OFFICERS HAD NOT SUFFERED ANY SERIOUS INJURIES. HE ALSO REQUESTED THAT THE STATION NOTIFY ME AND ASK THAT I RESPOND TO THE SCENE AT 3572 HOWARD #4 LOS ALAMITOS. AT THE TIME I WAS AT VALLEY VIEW AND BALL ROAD AND DROVE DIRECTLY TO THE SCENE. IT TOOK APPROXIMATELY 5 TO 8 MINUTES TRAVEL TIME TO ARRIVE AT THE SCENE.

AS I PULLED UP I OBSERVED NUMEROUS POLICE FROM LOS ALAMITOS, SEAL BEACH AND CYPRESS POLICE DEPARTMENTS ALONG WITH PARAMEDICS AND A FIRE ENGINE. I NOTICED A CYPRESS SGT. DIRECTLY IN FRONT OF THE APARTMENT BUILDING , HE WAS DIRECTING SEVERAL OF HIS OFFICERS TO PLACE BARRICADE TAPE AND RESTRICT ACCESS TO THE SCENE. I WAS DIRECTED TO APT. # 4 UPSTAIRS. AS I WALKED UP THE ENCLOSED STAIRWELL AND REACHED THE UPPER 4 FOOT BY 4 FOOT LANDING , I OBSERVED APPROXIMATELY 10 TO 15 EXPENDED BULLET CASINGS LYING ON THE UPPER STAIRS AND LANDING. AS I ENTERED THE APARTMENT I ALSO OBSERVED NUMEROUS BULLET HOLES IN THE FRONT DOOR. I ENTERED INTO THE LIVING ROOM AND SAW SGT. FARRIS, CORPORAL CANTU , OFFICER VAN HOLT AND SEAL BEACH OFFICER JOE MILLER ALL ASSISTING THE PARAMEDICS WHO WERE AT THE SCENE. I ASKED CANTU IF THERE WERE ANY OUTSTANDING SUSPECTS WHICH HE REPLIED NO. I ASKED HIM WHO HANDLED THE CALL AND HE TOLD ME THAT OFFICER VAN HOLT AND HE HAD RESPONDED TO A FAMILY DISTURBANCE CALL AND HAVE BEEN MEET AT THE FRONT DOOR BY A MAN WITH A GUN POINTED AT THEM. HE FURTHER STATED THAT THE MAN REFUSED TO DROP THE GUN AND WAS ATTEMPTING TO CLOSE THE DOOR ON THE OFFICERS. HE STATED THAT BOTH HE AND OFFICER VAN HOLT FIRED THEIR WEAPONS. NO FURTHER QUESTIONS WERE ASKED OF CANTU OR VAN HOLT. SGT. RANDELL OF THE SEAL BEACH POLICE DEPARTMENT ARRIVED ON SCENE AND ASKED IF HE COULD HELP. I ASSIGNED HIM TO TAKE CANTU AND VAN HOLT TO OUR POLICE STATION AND STAY WITH THEM AND INSURE NO ONE ENGAGED THEM IN CONVERSATION ABOUT THE SHOOTING INCIDENT.

I THEN NOTIFIED THE DESK VIA RADIO TO CONTACT ORANGE SHERIFF'S, HOMICIDE DETAIL AND HAVE THEM RESPOND TO CONDUCT AN OFFICER INVOLVED SHOOTING INVESTIGATION. I ALSO REQUESTED ORANGE CRIME SCENE TECHNICIANS RESPOND TO RECOVER ANY AND ALL EVIDENCE. I ASKED THE STATION TO CONTACT CHIEF GUESS OF THE INCIDENT AND ADVISE I WOULD CONTACT HIM LATER WITH DETAILS AS THEY BECAME AVAILABLE. I ASSIGNED OFFICER STALEY OF THE SEAL BEACH POLICE DEPARTMENT TO SAFEGUARD THE EVIDENCE IN THE STAIRWELL. SEAL BEACH OFFICER JOHN SCOTT WAS ASSIGNED TO LOG ALL PARTIES ENTERING OR LEAVING THE CRIME SCENE. I ALSO

PREPARED BY:
DATE:

J. S. Buzza

APPROVED BY:
DATE:

1/23/93

LOS ALAMITOS POLICE DEPARTMENT
NARRATIVE REPORT

OBSERVED FIRE PERSONNEL WORKING ON THE PATIENT ON THE KITCHEN FLOOR. AS SOON AS MEDICAL PERSONNEL REMOVED THE PATIENT , I ORDERED ALL PERSONNEL OUT OF THE CRIME SCENE EXCEPT SGT. FARRIS AND OFFICER MILLER WHO WERE ASSIGNED TO STAY IN THE APARTMENT TO INSURE ALL EVIDENCE WAS PROPERLY PRESERVED. I ASSIGNED DETECTIVE JESSEN TO GO TO THE POLICE STATION AND OBTAIN A STATEMENT FROM THE WIFE OF THE SUSPECT. SGT. VAN TILBORG WHO WAS AT THE SCENE TRANSPORTED [REDACTED] [REDACTED] TO THE POLICE STATION AND TURNED THEIR CARE OVER TO SGT. JESSEN. OFFICER DELEON WHO WAS AT THE SCENE WAS ASSIGNED TO ACCOMPANY THE PATIENT AND PARAMEDICS TO LOS ALAMITOS MEDICAL CENTER AND STANDBY. DETECTIVE KELLEY WAS NOTIFIED VIA PHONE TO RESPOND TO THE HOSPITAL AND RELIEVE DELEON.

I STOOD BY AT THE SCENE AND ACTED AS DEPARTMENT LIAISON UNTIL APPROXIMATELY 2245 HRS. AT WHICH TIME I CAME TO THE STATION AND WROTE THIS REPORT.

WHILE AT THE SCENE I ALSO ORDERED SGT. FARRIS TO PHOTOGRAPH AND VIDEO THE INTERIOR OF THE APARTMENT. THOSE ITEMS WERE LATER RELEASED BY FARRIS TO ORANGE COUNTY I.D. PERSONNEL.

AT THE REQUEST OF SGT. SIDEBOTHAM ORANGE SHERIFF HOMICIDE SUPERVISOR I ASSIGNED ALL PERSONNEL AT THE SCENE TO WRITE A REPORT OF THEIR INVOLVEMENT. THIS INCLUDED VAN HOLT AND CANTU WHO WERE ADVISED BY SGT. JESSEN AT MY DIRECTION.

GARY BIGGERSTAFF
OPERATIONS COMMANDER
LOS ALAMITOS POLICE DEPARTMENT

PREPARED BY:
DATE:

G. Biggerstaff

APPROVED BY:
DATE:

1/23/93

LOS ALAMITOS POLICE DEPARTMENT
NARRATIVE REPORT

PAGE 1

CASE# 93-0155

INTERVIEWED: [REDACTED]

PRESENT: [REDACTED]

ELLISON, JERRY E. ID#100 [REDACTED]
SEAL BEACH POLICE DEPT.

ON 1/23/93, AT APPROX. 1830 HRS., I WAS AT LT. SWEARINGEN'S HOUSE WHEN HE RECEIVED A PHONE CALL FROM DISP. LETCHER ADVISING HIM OF AN OFFICER INVOLVED SHOOTING. LETCHER TOLD SWEARINGEN THAT HE HAD TRIED PAGING ME AT CMDR. BIGGERSTAFF'S REQUEST. I PICKED UP THE PHONE AND LETCHER TOLD ME THAT BIGGERSTAFF WANTED ME TO RESPOND TO THE STATION TO INTERVIEW [REDACTED] OF THE SUBJECT WHO HAD BEEN SHOT.

I ARRIVED AT APPROX. 1855 HRS. AND APPROX. 5 MINUTES LATER, OFF. ELLISON BROUGHT [REDACTED] INTO THE DET. OFFICE. I ASKED [REDACTED] TO TELL WHAT HAD OCCURRED PRIOR TO [REDACTED] (SLYVAN R. BYRD) BEING SHOT. [REDACTED] SAID THAT THEY WERE HAVING AN ARGUMENT WHEN SOMEONE BANGED LOUDLY ON THE FRONT DOOR. [REDACTED] SAID NO ONE IDENTIFIED THEMSELVES SO [REDACTED] WALKED INTO THE KITCHEN WHILE HE WENT INTO THE SECOND BEDROOM (USED AS OFFICE) AND GOT A "SILVER HANDGUN". HE WENT TO THE DOOR AND THE NEXT THING [REDACTED] HEARD WAS "4, 5, OR 6" SHOTS.

[REDACTED] SAID A TALL OFFICER ENTERED THE APT. WITH HIS GUN DRAWN AND TOLD [REDACTED] TO PUT [REDACTED] HANDS UP. [REDACTED] SAID [REDACTED] DID SO AND HE HANDCUFFED [REDACTED] AND SAT [REDACTED] DOWN NEAR THE TELEPHONE. [REDACTED] LOOKED OVER AT [REDACTED] AND SAW HIM BLEEDING AND LYING IN A "PUDDLE OF BLOOD". [REDACTED] ASKED THE OFFICER TO PLEASE HELP [REDACTED] AND [REDACTED] WAS THEN REMOVED FROM THE APT.

I ASKED [REDACTED] WHAT [REDACTED] AND SLYVAN HAD BEEN ARGUING ABOUT. [REDACTED] I ASKED IF THE ARGUMENT HAD BECOME PHYSICAL AND [REDACTED] SAID NO, THAT THE ONLY PHYSICAL THING THAT OCCURRED WAS [REDACTED] THROWING [REDACTED] WALLET DOWN. I ASKED IF [REDACTED] OR HER HUSBAND HAD CALLED THE POLICE AND [REDACTED] SAID NO. I ASKED IF THEY HAD BEEN DRINKING. [REDACTED] SAID THAT [REDACTED] HAD HAD TWO VODKA TONICS AND THAT SLYVAN HAD BEEN DRINKING RUM AND COKE. [REDACTED] WAS NOT SURE HOW MANY HE HAD HAD AS [REDACTED] HAD RUN SOME ERRANDS, LEAVING HIM [REDACTED]

[REDACTED] SAID SLYVAN HAD GRADUATED FROM THE POLICE ACADEMY IN ALASKA AND HAD SEVERAL FIREARMS IN THE HOUSE. [REDACTED] SAID AT ONE TIME HE POSSESSED A FEDERAL FIREARMS LICENSE BUT WAS NOT SURE IF IT WAS STILL VALID. [REDACTED] SAID THAT IF SLYVAN HAD KNOWN IT WAS POLICE AT THE DOOR, HE WOULD HAVE

PREPARED BY: J. JENSEN
DATE: 1/23/93

APPROVED BY: [Signature]
DATE: 1/23/93

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LET THEM IN AS "HE RESPECTS AND LOVES THE POLICE".

I ASKED IF [REDACTED] OR SLYVAN HAD RECEIVED ANY THREATS FROM CO-WORKERS, NEIGHBORS, ETC. WHICH WOULD HAVE CAUSED HIM TO RETRIEVE AN HANDGUN PRIOR TO ANSWERING THE DOOR. [REDACTED] SAID NO THAT HE WAS "BEING PROTECTIVE OF HIS HOME". [REDACTED] SAID THE ARGUMENT LASTED APPROX. 10 MIN. AND WAS SUBSIDING AT THE TIME THE OFFICERS KNOCKED ON THE DOOR.

I ASKED [REDACTED] TO DESCRIBE THE HANDGUN THAT SLYVAN GOT FROM THE OFFICE/BEDROOM AREA. [REDACTED] SAID IT WAS SILVER OR STAINLESS STEEL AND IT COCKED BY PULLING THE TOP BACKWARDS. [REDACTED] SAID [REDACTED] DID NOT SEE SLYVAN COCK THE GUN BEFORE ANSWERING THE DOOR, AS [REDACTED] WAS IN THE KITCHEN.

[REDACTED] BECAME VERY HYSTERICAL AT THIS TIME BECAUSE [REDACTED] WANTED TO KNOW [REDACTED] CONDITION. I KNEW THAT MR. BYRD HAD EXPIRED AND I TRIED TO CALM [REDACTED] AND KEEP [REDACTED] AT THE STATION UNTIL AN O.C.S.D. INVESTIGATOR ARRIVED BUT COULD NOT DO SO WITHOUT FORCE. [REDACTED] WAS ALLOWED TO LEAVE AND I NOTIFIED CMDR. BIGGERSTAFF THAT [REDACTED] WAS EN ROUTE TO LAMC.

PREPARED BY: J. JESSE
DATE: 1/23/93

APPROVED BY: 
DATE: 1/23/93

LOS ALAMITOS POLICE DEPARTMENT
SUPPLEMENTAL REPORT

CASE #: 93-0155
DATE: 01-23-93

ON 01-23-93 AT APPROX. 1800 HRS., I HAD CALLED THE STATION AND TALKED TO DISPATCHER LETCHER WHO ADVISED THERE WAS AN OFFICER INVOLVED SHOOTING INVOLVING SOME OF OUR OFFICERS. I ASKED IF I NEEDED TO RESPOND TO ASSIST AND HE TALKED TO COMMANDER BIGGERSTAFF WHO TOLD ME TO RESPOND TO LOS ALAMITOS MEDICAL CENTER.

I RESPONDED TO THE STATION AND GRABBED MY NOTE PAD AND POLAROID CAMERA AND RESPONDED TO THE MEDICAL CENTER.

AT APPROX. 1830 HRS., I ARRIVED AT THE MEDICAL CENTER AND RESPONDED TO THE EMERGENCY ROOM AND WAS MET BY CORPORAL DELEON WHO ADVISED ME OF THE SITUATION.

I SAW SUBJECT BYRD, SYLVAN RANDALL LAYING ON A GURNEY IN BED "A" WITH DR. BLUSH, NURSE MONTGOMERY, A. SMITH, BECKER, REPERTORY THERAPISTS PONCE AND PIERONI WORKING ON SUBJECT BYRD. DR. BLUSH ADVISED AT 1848 HRS. SUBJECT BYRD WAS DECEASED.

I STAYED AT THE LOCATION FOR THE CRIME SCENE AND KEPT A LOG.

1700 HRS.- CORPORAL DELEON LEAVES

2025 HRS.- OFFICER ELLISON FROM SEAL BEACH POLICE ARRIVES.

2036 HRS.- DEPUTY ESSLINGER, INVESTIGATOR FOR O.C. CORNER'S OFFICER ARRIVES AND INSPECTS BODY. O.C. CORONER CASE # 93-00573ES.

2055 HRS.- O.C. SHERIFF'S HOMICIDE INVESTIGATOR RUSSELL ARRIVES AT SCENE.

2059 HRS.- INVESTIGATOR RUSSELL LEAVES SCENE.

2102 HRS.- OFFICER ELLISON LEFT SCENE.

2119 HRS.- DEPUTY ESSLINGER LEAVES AREA.

2139 HRS.- CHRIS MACERA FROM SECURE TRANSPORTATION ARRIVES TO TRANSPORT DECEASED. DEPUTY ESSLINGER ENTERS AREA.

2154 HRS.- CHRIS MACERA DEPARTS WITH DECEASED AND I LEFT AREA.

PREPARED BY:
DET. KELLEY #080

APPROVED BY:

J. P.
1/23/93

LOS ALAMITOS POLICE DEPARTMENT
NARRATIVE REPORT

PAGE 1

CASE 93-155

SGT VAN TILBORG
LOS ALAMITOS PD

AT ABOUT 1750 HRS I WAS IN THE POLICE STATION AND HEARD OUR OFFICERS WERE INVOLVED IN A SHOOTING AT 3572 HOWARD AVE. I DROVE TO THE SCENE AND SAW SEAL BEACH AND CYPRESS POLICE CARS WERE ALREADY ON THE SCENE. I LOCATED THE APARTMENT BUILDING AND MET SGT IDOM FROM THE CYPRESS POLICE DEPARTMENT AT THE BOTTOM OF THE STAIR WELL. HE EXPLAINED HE HAD SEVERAL OFFICERS ASSIGNED TO VARIOUS DUTIES.

CYPRESS OFFICERS HAD PROVIDED SGT IDOM WITH SEVERAL NOTES CONTAINING THE NAMES, ADDRESSES AND PHONE NUMBERS OF POSSIBLE WITNESSES. SGT IDOM HANDED THEM TO ME AND I KEPT THEM UNTIL THE SHERIFF'S INVESTIGATORS ARRIVED.

I ALSO MADE CONTACT WITH [REDACTED] WHO WAS WITH A [REDACTED] IN ONE OF THE BOTTOM APARTMENTS. [REDACTED] AND WAS NOT INVOLVED IN THE INCIDENT. [REDACTED] ARRIVED AFTER THE INCIDENT TOOK PLACE TO BE WITH [REDACTED] I TRANSPORTED [REDACTED] AND [REDACTED] TO THE LOS ALAMITOS POLICE STATION WHERE [REDACTED] COULD PROVIDE A STATEMENT TO DETECTIVE SGT JESSEN. I THEN RETURNED BACK TO THE HOWARD ADDRESS AND CONTACTED COMMANDER BIGGERSTAFF.

WHILE BACK AT THE SCENE I ALSO CONTACTED SHERIFF INVESTIGATORS WHO I HANDED THE NOTES WRITTEN BY CYPRESS OFFICERS. I LEARNED [REDACTED] LEFT THE POLICE STATION AND WENT TO THE HOSPITAL. I THEN LEFT THE HOWARD ADDRESS AND ALSO WENT TO THE LOS ALAMITOS HOSPITAL. THERE I MET WITH DETECTIVE KELLEY AND LEARNED [REDACTED] (BYRD, SYLVAN RANDALL DOB 8-18-52) WAS DECEASED.

AFTER I OBTAINED THAT INFORMATION I LEARNED SHERIFF INVESTIGATORS HAD ALSO ARRIVED AT THE HOSPITAL AND WERE CONDUCTING AN INTERVIEW WITH [REDACTED]

I TELEPHONED SGT IDOM AND ASKED HIM TO PROVIDE A STATEMENT WHICH HE DELIVERED TO THE POLICE STATION. I ALSO COLLECTED WRITTEN STATEMENTS FROM SGT RANDELL AND OFFICER ELLISON BOTH FROM SEAL BEACH PD. DEPUTY L MCDONALD FROM THE SHERIFF'S DEPARTMENT PROVIDED HER STATEMENT WHICH I PLACED IN THE REPORT FILE.

REPORTED BY: *Van Tilborg*
DATE: *1-23-93*

REVIEWED BY: *[Signature]*
DATE: *1/23/93*

LOS ALAMITOS POLICE DEPARTMENT
NARRATIVE REPORT

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CASE: 93-0155

ON JANUARY 23, 1993 AT 1748 HOURS, I DROVE TO 3572 HOWARD # 4 IN RESPONSE TO AN OFFICER INVOLVED SHOOTING. I RAN INSIDE THE APARTMENT BEHIND OFFICER MILLER OF THE SEAL BEACH POLICE DEPARTMENT. INSIDE, I OBSERVED THE FOLLOWING:

CPL. CANTU WAS IN THE KITCHEN, ON HIS KNEES WITH A PAIR OF HANDCUFFS IN HIS HAND. HE WAS KNEELING OVER A WHITE MALE SHOOTING VICTIM THAT APPEARED LIFELESS. THE SHOOTING VICTIM WAS ON HIS BACK, FEET POINTED NORTH AND HIS HEAD SOUTH. HIS FACE WAS POINTED WEST. HIS EYES AND MOUTH WERE OPEN AND HE WAS LAYING IN BLOOD.

IN THE LIVING ROOM, OFFICER VAN HOLT WAS ATTEMPTING TO CONTROL A [REDACTED] WHO WAS ON THE FLOOR CRYING FOR SOMEONE TO HELP [REDACTED]. OFFICER MILLER WENT TO THE AID OF OFFICER VAN HOLT. IN A SHORT PERIOD OF TIME, THE ORANGE COUNTY PARAMEDICS, UNDER THE DIRECTION OF CPT. BISHOP ENTERED THE APARTMENT.

I SEARCHED THE TWO BEDROOMS AND BATHROOMS FOR OTHER PEOPLE BUT THERE WAS NO ONE IN THOSE ROOMS. I RETURNED TO THE LIVING ROOM AND DIRECTED OFFICER MILLER TO REMOVE THE [REDACTED] FROM THE APARTMENT. OFFICER VAN HOLT WENT INTO THE KITCHEN AREA AND HELD AN I.V. BAG FOR THE PARAMEDICS. UPON OFFICER MILLER RETURNING, I HAD HIM TRADE PLACES WITH OFFICER VAN-HOLT.

OFFICER VAN HOLT TOLD ME THAT BOTH HE AND CPL. CANTU SHOT THE VICTIM FROM THE DOORWAY. OFFICER VAN HOLT OFFERED NO OTHER DETAILS REGARDING THE SHOOTING.

CPL. CANTU WAS STILL IN THE KITCHEN ASSISTING PARAMEDICS WHEN THE TWO AMBULANCE PEOPLE ARRIVED WITH A BACK BOARD. I HAD CPL. CANTU STEP AWAY FROM THE KITCHEN AND TALK WITH ME. CANTU SAID NEITHER OFFICER VAN HOLT OR HE HAD BEEN INJURED BY THE SUSPECT. OFFICER VAN HOLT AND CPL. CANTU REMAINED IN THE LIVING ROOM WITH ME UNTIL COMMANDER BIGGERSTAFF ARRIVED. COMMANDER BIGGERSTAFF MADE ARRANGEMENTS HAVING BOTH VAN HOLT AND CANTU DRIVEN BACK TO THE POLICE STATION.

WHILE INSIDE THE APARTMENT, THE LIGHTING, VENTILATION, AND PROPERTY REMAINED UNCHANGED EXCEPT FOR THE PARAMEDICS MOVING THE KITCHEN TABLE AND CHAIRS TO ALLOW THEM ACCESS TO WORK ON THE SHOOTING VICTIM. PARAMEDICS ALSO LOWERED THE VOLUME OF THE TELEVISION SO THEY COULD HEAR THEIR RADIOS AND TALK ON THE TELEPHONE. THE TELEVISION HAD BEEN ON AT SUCH A HIGH VOLUME IT WAS DIFFICULT TO TALK TO EACH OTHER INSIDE THE APARTMENT.

WRITTEN BY: *FARRIS #020*
DATE: 1-24-93

APPROVED BY: *FARRIS #020*
DATE: 1-24-93

LOS ALAMITOS POLICE DEPARTMENT
NARRATIVE REPORT

I OBSERVED A WALTHER PPK/S 380 AUTO, COCKED AND A MAGAZINE IN IT, ON THE FLOOR BETWEEN THE KITCHEN AND LIVING ROOM. THE PISTOL WAS APPROXIMATELY FIVE FEET AWAY FROM THE VICTIM. I ALSO SAW THREE HUNTING KNIVES IN THE WEST BEDROOM ALONG WITH A LOADED SINGLE SHOT, SAWED OFF SHOTGUN, AND A GREEN REMINGTON BOX THAT WAS MARKED MODEL 11-87.

I REMAINED INSIDE THE APARTMENT AND TOOK TWO ROLLS OF 35 M/M FILM AND A VIDEO TAPE. I STAYED INSIDE THE APARTMENT UNTIL RELIEVED BY THE ORANGE COUNTY CRIME SCENE. I GAVE THE FILM AND VIDEO TAPE TO INV. JOHNSON OF O.C.S.D.

WRITTEN BY: *FARRIS #020*
DATE: 1-24-93

APPROVED BY: *FARRIS #020*
DATE: 1-24-93

OCID# 93-40877 OCSD# 93-04064 LAPD# 93-155
STATEMENT: JERRY ELLISON #100
SEAL BEACH P.D.

I HEARD A RADIO CALL OF "998" FROM A LOS ALAMITOS UNIT. I SOON AFTERWARDS HEARD THE ADDRESS REBROADCAST AND RESPONDED TO THAT AREA. I ASSISTED IN TRAFFIC CONTROL IN THAT AREA. I WAS ASKED TO RESPOND TO LOS ALAMITOS P.D. TO ASSIST WITH MAINTAINING A VIGIL WITH [REDACTED] OF THE INDIVIDUAL INVOLVED IN THE ALTERCATION WITH THE LAPD OFFICERS.

AT LAPD I WAS IN ATTENDANCE WITH SGT. J. JESSEN LAPD DURING AN INTERVIEW WITH [REDACTED] ALSO IN ATTENDANCE WAS [REDACTED] I BELIEVE. BOTH [REDACTED] LEFT LAPD BEFORE THE ARRIVAL OF THE OCSD INVESTIGATORS. I WAS ASKED BY SGT JESSEN TO RESPOND TO LOS ALAMITOS HOSPITAL TO STAND BY TO ASSIST THE HOSPITAL STAFF IF NEEDED.

I ARRIVED AT THE HOSPITAL AND MET WITH LAPD DETECTIVE D. KELLEY IN THE E.R. I STOOD BY WITH DETECTIVE KELLEY DURING THE TIME THE CORONER INSPECTED THE DECEASED. I WAS RELIEVED BY DETECTIVE KELLEY AND SUBSEQUENTLY RESPONDED TO LAPD.

J. Ellison #100
1-23-93

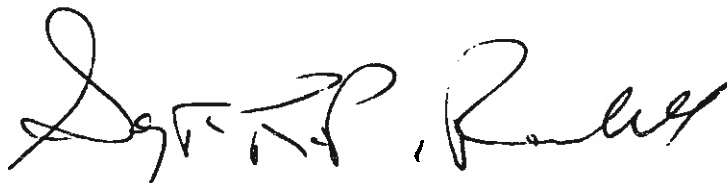
JANUARY 23, 1993

OCSD# 93-04064
OCID# 93-40877
LAPD# 93-155

STATEMENT OF SGT. RANSDELL

I RESPONDED TO A 998 CALL AT THE SCENE OF A LOS ALAMITOS O.I.S. UPON ARRIVAL I MET WITH COMMANDER BIGGERSTAFF FROM LOS ALAMITOS P.D. I GAVE HIM THE SEAL BEACH CELLULAR PHONE AND THEN TRANSPORTED OFFICERS CANTU AND VANHOLT TO THEIR POLICE STATION. I WAITED WITH THEN FOR THE ARRIVAL OF THEIR L.D.F. ATTORNEY. OFFICER CANTU WAS FEELING GREAT DISCOMFORT IN HIS RIGHT KNEE. WITH THE APPROVAL OF COMMANDER BIGGERSTAFF I TOOK OFFICER CANTU TO THE LOS ALAMITOS HOSPITAL FOR TREATMENT. AFTER HIS MEDICAL ATTENTION I RETURNED WITH HIM TO THE LOS ALAMITOS POLICE STATION.

OFFICER CANTU THEN STAYED WITH OFFICER VANHOLT AT THEIR STATION WAITING THE ARRIVAL OF O.C.I.D. TECH GARY JACKSON. I WAS THEN RELEASED.

A handwritten signature in black ink, appearing to read "Sgt. R. P. Ransdell". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

DATE 1/23/93

SEAL BEACH
POLICE

DR NO 93-0155

Type of Report OFFICER'S STATEMENT

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ON 1/23/93 @ 1750 HRS I RESPONDED TO 3572 HOWARD APT #4 IN LOS ALAMITOS REFERENCE AN "OFFICER INVOLVED SHOOTING" BROADCASTED BY LOS ALAMITOS OFFICER "BRAVO 2".

I ARRIVED APPROX. 1-2 MINUTES AFTER THE BROADCAST AND WAS DIRECTED TO THE SCENE BY SEVERAL CITIZENS. I IMMEDIATELY ENTERED APARTMENT #4 AND OBSVD OFCR. CANTU LEANING OVER A MALE SUBJECT HANDCUFFED FACE DOWN ON THE KITCHEN FLOOR AND BLEEDING. OFFICER VAN HOLT WAS TRYING TO CONTROL A [REDACTED] AND REQUESTED I ASSIST HIM IN TAKING [REDACTED] DOWNSTAIRS. MYSELF AND OFCR. J. SCOTT OF SEAL BEACH P.D. TOOK [REDACTED] HALFWAY DOWN THE APARTMENT STAIRCASE AND RELINQUISHED [REDACTED] TO OFCR. STALEY OF SEAL BEACH P.D.

I SUBSEQUENTLY RETURNED TO THE SCENE AND SECURED THE WALTHER 380 HANDGUN AND EMPTY MAGAZINE WHICH WERE ON THE KITCHEN FLOOR WHILE THE PARAMEDICS WORKED ON THE INJURED MALE SUBJECT.

I MAINTAINED THE SCENE DURING AND AFTER THE PARAMEDICS HAD LEFT AND TAKEN THE MALE SUBJECT TO THE HOSPITAL. THE SCENE WAS THEN LEFT SOLELY TO SGT. FARRIS OF LOS ALAMITOS P.D.

JOSEPH MILLER #153

SEAL BEACH P.D. (310) 431-2541

MILLER #153

Officer's Signature

Date 1-23-93

SEAL BEACH
POLICE

DR NO _____

Type of Report OFFICER'S STATEMENT
OFF. J. SCOT #155 / S.B.P.D.

Page 1 of 1

ON 1-23-93/1750 HRS. I RESPONDED 3572
HOWARD AV. #4, IN THE CITY OF LOS ANGELES, TO ASSIST
IN AN "OFFICER INVOLVED SHOOTING". UPON ARRIVAL SEVERAL
CITIZENS POINTED TO THE INVOLVED HOUSE. I RAN UP THE
STAIRS AND SAW OFF. VAN HOLT KIDNAPING DOWN A [REDACTED]
SUBJECT. I SAW OFF. CANTO SITTING OVER A HANDCUFFED
MALE SUBJ. WHO WAS BLEEDING. VAN HOLT ASKED ME
TO TAKE THE [REDACTED] SUBJ. "OUT OF THE RES."
I ESCORTED [REDACTED] DOWN, WITH OFF. STALBY, AND THEN
WENT BACK UP TO THE APARTMENT. SGT. FARRIS
ASKED ME TO PREPARE A "CRIME SCENE LOG."
I WAS AT THE SCENE FOR APPROX. 3 HOURS
KEEPING THE LOG.

9/20/95
Officer's Signature

DATE 1-23-93

SEAL BEACH
POLICE

LOS ALAMITOS
DR NO 93-0155 A

Type of Report OFFICER STATEMENT

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ON 1-23-93 AT 1750 HRS., I MONITORED UNIT 48-BRAYO-2 TRANSMIT AN OFFICER INVOLVED GUN BATTLE AT 3572 HOWARD AVE., APT #4 IN THE CITY OF LOS ALAMITOS. I RESPONDED TO THE SCENE, WITH MY OVERHEAD EMERGENCY LIGHTS AND SIREN ACTIVATED. I ARRIVED TO THE SCENE APPROXIMATELY 1-1 1/2 MINUTES AFTER THE INITIAL BROADCAST AND WENT DIRECTLY TO THE SCENE. I CONTACTED OFF M. VAN HOLT WHO WAS RESTRAINING A Hysterical [REDACTED] HE ASKED MYSELF AND OFF. J. SCOTT TO ESCORT [REDACTED] OUT OF THE APARTMENT. HE INFORMED US THAT [REDACTED] WAS NOT UNDER ARREST. WE ESCORTED THE [REDACTED] DOWN THE STAIRS TO [REDACTED] WHERE THE OCCUPANTS ALLOWED [REDACTED] TO STAY AND COMFORT [REDACTED]

I RETURNED TO THE ENTRANCE, LANDING-WAY OF APT. 4 AND RELAYED INFORMATION FROM INSIDE THE CRIME SCENE TO PERSONNEL AT THE BOTTOM OF THE STAIRWAY.

I LATER INTERVIEWED THE FOLLOWING THREE WITNESSES OF THE INCIDENT.

[REDACTED] STATED ESSENTIALLY THAT [REDACTED] WAS IN THE PROCESS OF MOVING IN+WHILE AT THE BOTTOM OF THE STAIRWELL, [REDACTED] SAW TWO POLICE OFFICERS IN THE STAIRWELL. [REDACTED] SAID ONE OF THE OFFICERS WAS AT THE TOP OF THE STAIRS AND THE SECOND OFFICER WAS A FEW STEPS BELOW THE OTHER OFFICER. [REDACTED] TOLD ME IT APPEARED AS THOUGH THE OFFICERS WERE LISTENING TO THE DISTURBANCE OCCURRING IN APT. #4 AT 3572 HOWARD AVE. [REDACTED] STATED THAT [REDACTED] ASKED THE OFFICERS IF [REDACTED] COULD GO INTO HER APARTMENT WITH [REDACTED]

J. M. Hilly #162
Officer's Signature

SEAL BEACH
POLICE

DATE 1-23-93

LOS ALAMITOS PD
DR NO 93-0155

Type of Report OFFICER STATEMENT

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██████████ SAID THAT THE OFFICERS TOLD
██████████ TO STAND BACK. ██████████ TOLD ME THAT ██████████ BACKED AWAY FROM
THE STAIRWELL AND YELLED UP TO ██████████ TO GET DOWN ON
THE FLOOR. ██████████ SAID THAT ██████████ MUST HAVE OPENED
THEIR APARTMENT DOOR, BECAUSE ██████████ HEARD THE OFFICERS YELL
FOR ██████████ TO CLOSE THE DOOR AND STAY INSIDE. ██████████ TOLD ME
THAT ██████████ HEARD THE OFFICERS YELL TO "OPEN UP!" ██████████ SAID
THEY REPEATED THAT ORDER A FEW TIMES. ██████████ STATED THAT ██████████
HEARD THE OFFICERS YELL, AT LEAST TWICE, "SHOW US YOUR HANDS!"
██████████ NEXT STATED THAT ██████████ HEARD THE OFFICERS YELL "DROP IT!"
██████████ TOLD ME ██████████ HEARD AN UNKNOWN NUMBER OF SHOTS. ██████████
DESCRIBED IT AS "JUST A LOT OF SHOTS." ██████████ TOLD ME THAT ██████████
FELT THAT THE WHOLE TIME, THE OFFICERS WERE TRYING TO GET
CONTROL OF THE SITUATION.

██████████ STATED ESSENTIALLY THAT ██████████
WAS ██████████ WHEN ██████████ HEARD VERBAL
ARGUING. ██████████ TOLD ME ██████████ WENT OUT TO THE PATIO AREA BECAUSE
██████████ THOUGHT THE ARGUING WAS OCCURRING IN THE APARTMENT
██████████ STATED THAT ██████████ HEARD A ██████████
VOICE INVOLVED IN THE ARGUMENT SAY, "WHAT DID I DO TO DESERVE
THIS?" ██████████ SAID ██████████ WENT BACK INTO ██████████ APARTMENT AND
HEARD ██████████ TOLD ME ██████████ THOUGHT ██████████
SAID TO OPEN THE DOOR. ██████████ SAID WHEN ██████████ OPENED THE
DOOR, THE POLICE OFFICERS YELLED TO CLOSE THE DOOR. ██████████
STATED THAT AFTER ██████████ CLOSED THE DOOR, ██████████ HEARD, WHAT
SOUNDED LIKE A FIRECRACKER, THEN CRAWLED UNDER A COFFEE

J. M. Jeter #162

Officer's Signature

SEAL BEACH
POLICE

LOS ANGELES PD

DATE 1-23-93

DR NO 93-0155

Type of Report OFFICER'S STATEMENT

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TABLE AND WAITED UNTIL [REDACTED] WAS ALLOWED TO LEAVE. [REDACTED] TOLD ME [REDACTED] DID NOT HEAR OR COULD REMEMBER THE OFFICER YELLING ANYTHING.

[REDACTED] STATED ESSENTIALLY THAT [REDACTED] WAS [REDACTED] WHEN [REDACTED] HEARD A VERBAL ARGUMENT OCCURRING. [REDACTED] STATED THAT [REDACTED] HEARD A [REDACTED] YELLING SO [REDACTED] WENT TO [REDACTED] PATIO TO LISTEN. [REDACTED] TOLD ME THAT THE [REDACTED] YELLED SOMETHING TO THE EFFECT "HERE'S ALL YOUR MONEY, I'M LEAVING!" [REDACTED] SAID [REDACTED] SAW TWO POLICE CARS PARK IN FRONT OF THE APARTMENT COMPLEX ON HOWARD AVE. [REDACTED] TOLD ME IT GOT QUIET, THEN [REDACTED] HEARD WHAT SOUNDED LIKE A STRUGGLE, THEN TWO SHOTS AND THEN MORE THAN FIVE.

WE CONDUCTED A SEARCH IN [REDACTED] AND DISCOVERED A BULLET HOLE FROM APT #4 THROUGH THE WALL WHERE [REDACTED] FURNANCE IS, THEN THROUGH THE WALL AND INTO THE SHOWER AREA OF THE UPSTAIRS BATHROOM.

THE ONLY OTHER DETAIL I DID WAS TO PLACE F.I. CARDS OVER THE SHELL CASINGS ON THE STAIRWELL AND AT THE ENTRANCE LANDING TO APT #4 TO KEEP THEM FROM BEING DISTURBED

OFF. S. M. STALEY #162

SEAL BEACH PD

S. M. Staley #162

Officer's Signature

5275 Orange Avenue, Cypress, CA. 90630 Phone (714) 229-6600 (Page 1)

DR # 9300578

TYPE OF REPORT		WEAPON USED		CONNECTING DR #s		COMPUTER CODES	
AOD							
DATE and TIME of OCCURRENCE				DATE and TIME REPORTED			
1-23-93 1748HRS				1-23-93 1748HRS			
1	CODE	CRIME / CLASSIFICATION		2	CODE	CRIME / CLASSIFICATION	
		AOD					
3				4			
5				6			

YES	NO

TYPE OF PREMISES OR LOCATION	CODE	LOCATION OF OCCURRENCE	DISTRICT
UPSTAIRS APT.	23	3572 HOWARD # 4, LOS ALAMITOS	00

V=Victim W=Witness P=Parent RP=Reporting Party DC=Discovered Crime O=Other D=Deceased C=Child MP=Missing Person									
NAME: LAST, FIRST MIDDLE				CODE	RESIDENCE ADDRESS				RESIDENCE PHONE
LOS ALAMITOS P.D.				RIP	UNKNOWN ORR.				
OCCUPATION	RACE/SEX	AGE	D.O.B.	BUSINESS ADDRESS (SCHOOL IF JUVENILE)				BUSINESS PHONE	
NAME: LAST, FIRST MIDDLE				CODE	RESIDENCE ADDRESS				RESIDENCE PHONE
OCCUPATION	RACE/SEX	AGE	D.O.B.	BUSINESS ADDRESS (SCHOOL IF JUVENILE)				BUSINESS PHONE	
NAME: LAST, FIRST MIDDLE				CODE	RESIDENCE ADDRESS				RESIDENCE PHONE
OCCUPATION	RACE/SEX	AGE	D.O.B.	BUSINESS ADDRESS (SCHOOL IF JUVENILE)				BUSINESS PHONE	

CODE	LICENSE NUMBER	ST.	YR.	MAKE	MODEL	BODY	COLOR	ADDITIONAL INFORMATION
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[illegible]

LOS ANGELES OFFIC. ADVISES ON RED CHANNEL THAT HE WAS INVOLVED
IN A SHOOTING (998) AT THE ABOVE LISTED ADDRESS. SERGEANTS
AND OFFICERS FROM CYPRESS RESPONDED AND ASSISTED.

PROPERTY CLASS: S = Stolen R = Recovered F = Found L = Lost D = Damaged E = Evidence SR = Surreptitious										SR	APR	VALUE
CL	QTY	ITEM/MAKE/MODEL/SERIAL #	OWNER	APPLIED #	TAG #	APR	VALUE					

[illegible]**TOTAL AMOUNT**

DET.	<input type="checkbox"/> JUV.	<input type="checkbox"/> PATROL	<input type="checkbox"/> CLK/DRP	<input type="checkbox"/> S.O./P.D.	<input type="checkbox"/> D/A	<input type="checkbox"/> CS	(other)
CLOSED	<input checked="" type="checkbox"/>	<input type="checkbox"/> ADMIN.	<input checked="" type="checkbox"/> EXCEP.	<input type="checkbox"/> APFVOTE	<input type="checkbox"/> UNFOUNDED		(other)
PENDING	<input type="checkbox"/>	<input type="checkbox"/> PATROL	<input type="checkbox"/> INVEST.	<input type="checkbox"/> A.I.	<input type="checkbox"/> C.L.	<input type="checkbox"/> W/C	(other)
REPORTING OFFICER(s)			LD. #		REVIEWED BY:		DATE
Sgt. Thom			3629		Sgt. Thom		1-23-93

☒ NARRATIVE☐ SUPPLEMENTAL

CYPRESS POLICE DEPARTMENT

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CODE SECTION	CRIME	CLASSIFICATION	CASE NO. <u>9300519</u>
VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		ADDRESS <input type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS	PHONE

1. ON 1-23-93 AT APPROX 1748 HRS, AN OFFICER FROM THE LOS
2. ALAMITOS POLICE DEPARTMENT ADVISED ON RED CHANNEL
3. (COUNTY WIDE EMERGENCY FREQUENCY) THAT HE WAS INVOLVED
4. IN A SHOOTING ("998") AT 3572 HOWARD.
5. THE FOLLOWING SERGEANTS, AGENTS, AND OFFICERS
6. RESPONDED TO THE ABOVE ADDRESS TO ASSIST. LISTED
7. BELOW IS ALSO EACH OFFICERS ASSIGNMENT AT THE
8. SCENE. I WAS THE FIRST CYPRESS SUPERVISOR TO
9. ARRIVE, SO I HANDLED THE ASSIGNMENTS OF THE
10. CYPRESS OFFICERS.
11. SGT. IDOM - STOOD BY AT BOTTOM OF STAIRWAY AND
12. ASSIGNED CYPRESS OFFICERS AS THEY ARRIVED.
13. SGT. JORDAN - MOVED ON FOOT CHECKING ON STATUS
14. OF CYPRESS OFFICERS
15. SGT. STANTON - ASSIGNED TO LOS ALAMITOS BLVD AND
16. HOWARD FOR TRAFFIC CONTROL REGARDING THE LANDING
17. SITE FOR LIFE FLIGHT.
18. AGENT ROBINSON - ASSIGNED TO TRAFFIC CONTROL AT
19. LOS ALAMITOS BLVD AND HOWARD
20. OFCR. WOTTE - ASSIGNED TO TRAFFIC CONTROL AT
21. LOS ALAMITOS BLVD AND HOWARD
22. OFCR. SOLORZA - ASSIGNED TO TRAFFIC CONTROL AT
23. LOS ALAMITOS BLVD AND HOWARD
24. OFCR. K. RAMSEY - ASSIGNED TO POLICE TAPE OFF
25. THE AREA NORTH (STREET ENTRANCE) AND SOUTH (ALLEY
-6. ENTRANCE) TO THE APARTMENT (#4). POLICE TAPE WAS

☐ DET. ☐ DIST. ☐ CH ☐ OTHER ☐ CLERK/DISP.
☐ JUV ☐ S.O./P.D. ☐ PATROL ☐ OTHER

CLOSED ☐ ADMIN. ☐ UNFOUNDED
☐ EXCEP. ☐ ARR/CITE

PENDING ☐ PATROL ☐ A.I. OTHER
☐ INVEST. ☐ C.L. W/C

REPORTING OFFICERS <u>SGT. IDOM</u>	I.D. # <u>3629</u>	REVIEWED BY	DATE
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☒ NARRATIVE☐ SUPPLEMENTAL

CYPRESS POLICE DEPARTMENT

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CODE SECTION	CRIME	CLASSIFICATION	CASE NO.
VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		ADDRESS <input type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS <input type="checkbox"/>	PHONE

1. TO INCLUDE THE TWO LOS ALAMITOS POLICE UNITS PARKED
2. ON HOWARD IN FRONT OF THE COMPLEX. OFFICER K.
3. RAMSEY AND HIS PARTNER OFFICER J. LASALLE WERE
4. LATER ASSIGNED THE TASK OF IDENTIFYING PERSONS
6. STANDING JUST SOUTH OF APARTMENT #4.
6. OFFICER S. RAMSEY - ASSIGNED TO CONTACT THE
7. [REDACTED] APARTMENT #2.
8. ALL SUBJECTS WERE IDENTIFIED AND THAT
9. INFORMATION WAS GIVEN TO ME. I INTERN GAVE
10. THAT WRITTEN INFORMATION TO SERGEANT R.
11. VANTILBORG OF THE LOS ALAMITOS POLICE DEPARTMENT.
12. OFFICER BALDWIN - WAS ASSIGNED CROWD CONTROL
13. AT THE POLICE LINE ON HOWARD STREET.
14. AS I WAS LEAVING THE AREA I WAS CONTACTED
15. BY A [REDACTED] WHO RESIDED IN THE APT.
16. COMPLEX. [REDACTED] TOLD ME THAT [REDACTED] HEARD THE ARGUING
17. AND A [REDACTED] WAS SCREAMING, CRYING, AND WAS
18. HYSTERICAL. THE WITNESS SAID THAT [REDACTED] COULD
19. HEAR OBJECTS BEING THROWN AND COULD HEAR
20. THE MALE SUBJECT, HOWEVER HE WAS NOT AS LOUD.
21. [REDACTED] TOLD ME THAT APPROX 30 MIN AFTER THE ARGUING
22. STARTED [REDACTED] HEARD WHAT [REDACTED] THOUGHT WAS APPROX.
23. 5 SHOTS. [REDACTED] STATED THAT [REDACTED] THEN CALLED 911.
24. I OBTAINED THE NAME, ADDRESS, & PLACE OF EMPLOYMENT
25. AND GAVE THAT TO SGT. VANTILBORG.
26. CASE CLOSED.

☐ DET. ☐ DIST. ATTY. ☐ CH ☐ OTHER ☐ CLERK/DISP.
☐ JUV ☐ S.O./P.D. ☐ PATROL ☐ OTHER

CLOSED ☐ ADMIN. ☐ UNFOUNDED
☐ EXCEP. ☐ ARR/CITE

PENDING ☐ PATROL ☐ A.I. OTHER
☐ INVEST. ☐ C.I. W/C

REPORTING OFFICERS

SGT. IDOM

I.D. #

3624

REVIEWED BY

DATE

PRIORITY ☐ Yes
☒ No

SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA

2. CASE NO. 95/7064

3. ☐ INITIAL NON-CRIMINAL
4. ☐ INITIAL-CRIMINAL
5. ☒ FOLLOW-UP CRIMINAL
6. ☐ CONTINUATION PAGE NO.

1. D GATES, SHERIFF-CORONER

LAST NAME FIRST-SPELL OUT WHEN DICTATING

FOLLOW-UP REPORT

7. OFFENSE AOA STA. 48 LOS ALAMITOS P.D.	8. LOCATION OF OCCURRENCE 3572 HOWARD LOS ALAMITOS
9. VICTIM/INFORMANT CONTROL I RED CHANNEL BROADCAST	10. DATE AND TIME OF OCCURRENCE 1-23-93 - 1750 HOURS
	11. GRID 14B2

12. DETAILS OF INCIDENT: AT 1750 HOURS, LOS ALAMITOS P.D. BROADCAST A 998 OVER CONTROL I RED CHANNEL. I RESPONDED TO 3572 HOWARD AND MADE CONTACT WITH 3 UNIDENTIFIED [REDACTED] ATTEMPTING TO GO UP THE APARTMENT STAIRWELL. I DETAINED THEM DUE TO OFFICERS J. SCOTT AND J. MILLER S.B.P.D. ESCORTING AN UNCOOPERATIVE AND HYSTERICAL [REDACTED] DOWN THE STAIRS. I THEN WENT UP THE STAIRS AND ESCORTED A [REDACTED] LEFT ALONE IN THE APARTMENT ACROSS THE HALL DOWN THE STAIRS TO [REDACTED] I WAS THEN ASKED BY OFFICER V. SCOTT TO SIT WITH THE HYSTERICAL [REDACTED] IDENTIFIED AS [REDACTED] AND TRY TO CALM [REDACTED] DOWN. I SPENT APPROXIMATELY 4-6 MINUTES ATTEMPTING TO CALM [REDACTED] DOWN, BUT I FOUND IT EXTREMELY DIFFICULT DUE TO [REDACTED] INTOXICATION. [REDACTED] ASKED ME TO TRY AND FIND OUT THE CONDITION OF [REDACTED] I THEN WENT UP STAIRS TOWARDS THE APARTMENT. OFFICER M. VAN HOLT WAS STANDING AT THE APT. DOORWAY. [REDACTED] TOLD ME THEY NEEDED A CAMERA. I WENT TO MY PATROL UNIT, RETRIEVED MY POLAROID AND ALSO OBTAINED A 35mm CAMERA FROM S.B.P.D. OFFICER J. ELLISON. I TOOK BOTH CAMERA'S UPSTAIRS AND GAVE THEM TO OFFICER S. STALEY AT THE

13. INVESTIGATING OFFICERS

REPORT BY

14. DATE OF REPORT

15. APPROVED

T. ADAMS #4073

L. McDONALD #812

1-23-93

FRONT DOORWAY TO THE APARTMENT. I BRIEFLY SPOKE WITH OFFICERS. M. VAN HOLT AND V. CANTU. I ASKED THEM BOTH IF THEY WERE OK. THEY BOTH SAID THEY WERE FINE. WE DID NOT DISCUSS ANY DETAILS OF THE CALL OR THE SHOOTING. I WAS THEN ASKED TO BLOCK OFF KATELLA AT HOWARD TO ALL TRAFFIC SO THE LIFEFLIGHT HELICOPTER COULD LAND. I ASSISTED IN TRAFFIC CONTROL FOR APPROXIMATELY 15 MINUTES. WHEN LIFEFLIGHT WAS CLEAR I WAS RELIEVED OF MY DUTIES AND I ADVISED MY DISPATCH THAT I WAS BACK IN SERVICE AT 1840 HOURS. I HAD A RESERVE RIDE ALONG WITH ME AT THIS TIME. OFFICER T. ADAMS #40732 WAS WITH ME UNTIL APPROXIMATELY 1758 HOURS WHEN HE WAS DISPATCHED TO ASSIST OFFICER R. REMME. ON A CALL AT [REDACTED] HE LEFT THE AREA AT THAT TIME.

**SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA**

2. CASE NO. 2010464

PRIORITY: ☒ Yes
☐ No

3. ☐ INITIAL NON-CRIMINAL
4. ☐ INITIAL-CRIMINAL
5. ☒ FOLLOW-UP CRIMINAL
6. ☐ CONTINUATION PAGE NO.

RAD GATES, SHERIFF-CORONER

LAST NAME FIRST-SPELL OUT WHEN DICTATING

FOLLOW-UP REPORT

7. OFFENSE <u>AOA LOS ALAMITOS P.D.</u>	8. LOCATION OF OCCURRENCE <u>3572 HOWARD, LOS ALAMITOS</u>
9. VICTIM/INFORMANT <u>CONTROL I VIA LOS ALAMITO P.D.</u>	10. DATE AND TIME OF OCCURRENCE <u>SAT 1-23-93 / ABOUT 1750</u>
	11. GRID 309 <u>14-B2</u>

12. DETAILS OF INCIDENT: I RESPONDED TO THE ABOVE LOCATION, CODE-3, ON AN URGENT CALL OF AN OFFICER NEEDS HELP WITH SHOTS FIRED. I ARRIVED AT ABOUT 1752 HOURS AND WENT UPSTAIRS TO THE APARTMENT WHERE THE OFFICERS WERE LOCATED. I ASCERTAINED THEY WERE ALRIGHT, THEN OFFICER VAN HOLT ASKED ME TO GO TO THE BASE OF THE STAIRS AND NOT LET ANYONE UPSTAIRS SO HE COULD CONTAIN THE CRIME SCENE.

I HELD THAT POSITION UNTIL 1758 HOURS, WHEN I WAS ADVISED I WAS BEING ASKED BY O.C. SHERIFF DISPATCH TO HANDLE A CALL IN ROSSMOOR. I LEFT AT 1758 HOURS WITH TWO CYPRESS OFFICERS AT THE FOOT OF THE STAIRS.

13. INVESTIGATING OFFICERS <u>R. REMMEL #324</u>	REPORT BY	14. DATE OF REPORT <u>SAT 1-23-93</u>	15. APPROVED
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DATE 1-23-93/1750 (START)

SEAL BEACH
POLICE

DR NO 93-055

Type of Report _____

Page 1 of _____

CRIME SCENE LOG

TIME:	NAME:	STATUS:
1750	- FERRIS, STALEY, MILLER, SCOTT, McDONNARD	<u>IN</u>
1753	- ALL ST. 91 FIRE/MEDIX.	<u>IN</u>
1759	- BIGGERSTAF	<u>IN</u>
1801	- CANTU, VAN HOUT	<u>OUT</u>
1804	- RANSOELL	<u>IN</u>
1807	- DANL/BENTON (MEDIX)	<u>IN</u>
1813	- HAMBURG	<u>OUT</u>
1815	- BISHOP	<u>OUT</u>
1816	- REMAINING 91 PERSONNEL	<u>OUT</u>
(OVERTON, WEISSBARGER, MCGINNIS)		
1818	- STALEY	<u>OUT</u>
1819	- BIGGERSTAF	<u>OUT</u>
1819	- BISHOP	<u>IN</u>
1822	- BISHOP	<u>OUT</u>
1822	- MILLER	<u>OUT/IN</u>
1830	- BISHOP	<u>IN</u>
1831	- BISHOP	<u>OUT</u>
1834	- BARBARA HALISK (DANST.)	<u>IN</u>
1815 (LAB ENTRY)	- RON LEE BRADBURY	<u>IN</u>
(DOWNSTAIRS)		
1843	- CONTE (CAMERA)	<u>IN/OUT</u>
1930	- MILLER	<u>OUT</u>
2013	- RUSSELL (OCSD), SUGARMAN (OVID)	<u>IN</u>
2016	- RUSSELL (OCSD)	<u>OUT</u>
2018	- JOHNSON (OCSD)	<u>IN</u>
2030/2038	- R. BLAIR	<u>IN/OUT</u>
2026/2038	- K. RICHMOND	<u>IN/OUT</u>

NAME	IN	OUT
ESSLINGER	2213	2215
BIEGERSTAFF	2214	2217
DE LOON - LOG KEEPER	2215	0320
FARRIS		2216
SIDEBOTHAM	2218	2220
FARRIS	2221	2230
SUGARMAN		2230
SUGARMAN	2231	0310
JACKSON	2238	2253
SIDEBOTHAM	2238	2241
GARCIA	2242	1317
STALEY	2305	2305
GARCIA	2337	0300
STRAND	0002	0010
JACKSON	0010	0015
RUSSELL	0036	0320
RAMOS	0039	0320
FARRIS	0121	0125

0237

0237

**SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA****BRAD GATES, SHERIFF-CORONER****FOLLOW-UP CRIMINAL REPORT**

OFFENSE: OFFICER INVOLVED SHOOTING	LOCATION: 3572 HOWARD AVENUE, APT #4, LOS ALAMITOS	
VICTIM: CORPORAL VICTORIANO CANTU Jr. OFFICER MARK VANHOLT	DATE: SATURDAY, 1-23-93	GRID: 796J3

DETAILS OF INCIDENT:

On Saturday, 1-23-93, at 1830 hours, my supervisor, Sergeant Jim Sidebotham, telephoned me at my residence and requested I respond to 3572 Howard Avenue, Los Alamitos, to investigate an officer involved shooting.

In addition to myself the following Orange County Sheriff's Department Personnel also responded to the scene; Sergeant J. Sidebotham, Investigators R. Garcia, R. Ramos and R. Strand, Senior Criminalist L. Sugarman, and Forensic Specialists Matt Johnson, and Gary Jackson.

I arrived at the Howard Avenue Address at 1915 hours. The location is a two (2) story, six (6) unit apartment complex. The complex is located in a residential area on the south side of the street. Howard Avenue is two (2) blocks south of, and parallel to Katella Avenue, and runs east from Los Alamitos Boulevard.

Upon my arrival, I observed several black and white patrol units parked in the area of the apartment complex. Parked at the curb, one behind the other, in front of the apartment building were two (2) black and white, Los Alamitos Police Department patrol cars. The area around the north end of the apartment complex, including the two (2) black and white patrol cars, had been cordoned off with yellow vinyl barrier tape. The apartment building is situated north and south as you view it from Howard Ave. The apartment entrances are located on the west side of the building, toward Los Alamitos Boulevard. Directly west of the complex is an alleyway, which runs parallel to the building. Dividing the complex from the

Inv: R. RUSSELL #105 / R. RAMOS # 79	Date: 4-7-93	Approved: SGT. J. SIDEBOTHAM #80
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alleyway is a slump stone wall, approximately five (5) feet in height. Access to the apartment complex is through a wrought iron gate at the north end of the complex. The gate connects to the slump stone wall. In addition, there is an alleyway that runs east and west on the south side of the complex. Seven (7) garages belonging to the complex are accessible from this alleyway. Access to the apartments can also be gained from the south end of the complex. Apartment #4 is upstairs in the approximate center of the complex.

Parked in the alleyway, west of the complex, was a white van belonging to the Los Alamitos Police Department. There was also an unmarked Los Alamitos Police Department vehicle. This vehicle is assigned to Commander Gary Biggerstaff.

I was briefed, as to the circumstances, by Commander Biggerstaff. Commander Biggerstaff told me, two (2) officers responded to a family disturbance, at the apartment complex. The person reporting the disturbance [REDACTED]

[REDACTED] Commander Biggerstaff identified the two (2) officers involved in the shooting as Corporal Vic Cantu, and Officer Mark VanHolt. The disturbance had been occurring in apartment #4. When the officer's made contact at apartment #4, a male subject came to the door with a gun. The subject was shot after he pointed the gun at one of the officers.

Commander Biggerstaff advised the shooting victim, later identified as Sylvan Randall Byrd DOB: [REDACTED] had been transported to the Los Alamitos Medical Center. He was first treated at the scene by Orange County Fire Department Paramedics, before being transported to the Medical Center, by Medix Ambulance. [REDACTED] had been in the apartment at the time of the shooting. [REDACTED] had been transported to the Los Alamitos Police Department.

Commander Biggerstaff further advised that a radio transmission of 998, (officer involved in gun battle) was made over the county wide emergency channel, Control 1, by one of the officers, later determined to be Corporal Cantu. Another

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998 radio transmission was also made over Los Alamitos' primary radio channel, green channel, later determined to have been Officer VanHolt. Additional Los Alamitos Officers and Officers from the Seal Beach, and Cypress Police Departments and the Orange County Sheriff's Department responded to the scene to assist. Refer to the witness list for the entire list of personnel who responded to the scene.

Commander Biggerstaff told me the shooting victim was deceased, having been pronounced dead at the hospital. The [REDACTED] had not yet been told and had left the Los Alamitos Police Department. [REDACTED] was enroute to the hospital to check on [REDACTED] condition.

Investigator R. Ramos and I left the scene at 2015 hours and drove to the Medical Center to make the death notification and conduct an interview of [REDACTED]. Before leaving for the Medical Center, Ramos and I went to the doorway of the apartment. This was to familiarize ourselves with the shooting scene before interviewing the [REDACTED] and the two (2) involved officers.

Ramos and I did not enter the apartment. We viewed the interior of the apartment from the stairway landing, which was quite small, approximately three feet square. I observed several shell casings on the landing just outside the door leading into the apartment. Someone had placed F.I. (field interrogation) Cards over the shell casings, apparently to keep them from being kicked around by emergency personnel at the scene. I saw what appeared to be bullet holes in the front door. Looking into the apartment, from the stairway landing, I could see the living room area was on the left side of the doorway and to the right of the doorway was the kitchen. I observed two (2) shell casings and a bullet, minus the shell casing, lying on the carpet just inside the doorway. There was blood on the carpet, and the linoleum, in the kitchen area. I saw a Stainless Steel, Walther Semi Automatic pistol lying on the linoleum floor of the kitchen. It was directly next to the living room carpeting and a kitchen counter. I could see the hammer on the gun was cocked. I also saw, what appeared to be, paramedic paraphernalia lying on the floor.

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Approved:

When Ramos and I arrived at the Medical Center we went directly to the emergency room. We were directed to a waiting room, adjacent to the emergency room, where [REDACTED] was. [REDACTED] was on a telephone in the room, talking to an attorney. In addition to [REDACTED] the following [REDACTED] were also in the waiting room: [REDACTED]

My first contact with [REDACTED] was at 2021 hours, after [REDACTED] finished with [REDACTED] telephone call. As [REDACTED] walked by me to go sit down on a chair, I could smell a strong odor of an alcoholic beverage, emitting from [REDACTED] breath. This was also true during the interview of [REDACTED]. In addition, Investigator Ramos told me he had detected the odor of alcohol on [REDACTED] breath, during our interview of [REDACTED].

At 2035 hours I advised [REDACTED] death. After the death notification [REDACTED] became very distraught. As [REDACTED] was being comforted by [REDACTED] and to allow [REDACTED] time to gain [REDACTED] composure, I went into the emergency room, to see if the Deputy Coroner had arrived yet. Mr. Byrd was lying on a gurney at one of the trauma stations. With Mr. Byrd was Detective Kelly of the Los Alamitos Police Department and Coroner's Investigator Lorence Esslinger. Mr. Byrd was lying on his back on the gurney. There were numerous items of life saving paraphernalia on the body. Byrd was wearing a pair of red shorts and was lying on what appeared to be a lower extremity pressure suit. I observed three (3) gunshot wounds on the body, one (1) in the area of the right collar bone, one (1) in the right side, and one (1) in the left leg. I viewed the body and then returned to the waiting room to see if [REDACTED] had gained [REDACTED] composure, so I could interview [REDACTED].

Before starting the interview with [REDACTED] I asked [REDACTED] if she would voluntarily consent to a search of [REDACTED] residence. [REDACTED] signed a search consent form. For further refer to the search consent form signed by [REDACTED].

At 2135 hours Investigator Ramos and I conducted a tape recorded interview of [REDACTED]. [REDACTED] was interviewed in the waiting room. The interview ended

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at 2215 hours. Present during the interview was [REDACTED] who had driven from [REDACTED] to be with [REDACTED]

[REDACTED] For the contents of the interview refer to the audio tape and the tape transcript.

After completing [REDACTED] interview, Investigator Ramos and I left the Medical Center. We drove to the Los Alamitos Police Department, to interview the two (2) officer's involved in the shooting. Los Alamitos Police Chief Jim Guess told me Corporal Cantu had agreed to an interview. Chief Guess told me Officer VanHolt refused to be interviewed.

At 2247 hours Investigator Ramos and I conducted a tape recorded interview of Corporal Cantu. The interview took place at the Los Alamitos Police Department, where Corporal Cantu and Officer VanHolt had been transported to, after the shooting. At Corporal Cantu's request, present during his interview, was Laila C. Fernea, an attorney at law, with Silver, Shaeffer, and Hadden located at [REDACTED]

[REDACTED] The interview concluded at 2315 hours. For the contents of the interview refer to the audio tape and the tape transcript.

Prior to the interview, Orange County Sheriff's Department Forensic Specialist Gary Jackson had photographed both officers. The photograph's depict the way both officer's were dressed when they made contact at the front door of apartment #4. Jackson also performed gunshot residue examinations, and collected both officer's firearm's. Jackson also collected Corporal Cantu's uniform trouser's and a pair of gloves he had been wearing at the time of the shooting. Jackson was also present when both officers voluntarily had their blood drawn, at the Los Alamitos Medical Center. For further refer to Jackson's report.

Before returning to the Howard Street Address, I received written reports from officer's with the Los Alamitos, Seal Beach, and Cypress Police Departments.

Investigator Ramos and I left Los Alamitos P.D. at 0030 hours and returned to the Howard Street Address. We assisted Orange County Sheriff's Department Senior Criminalist Loren Sugarman, and Forensic Specialist Matt Johnson, who

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were working the scene. I removed the following weapons from the apartment, for safekeeping, and placed them into Sheriff's Property;

1. Ruger Redhawk 44 magnum, stainless steel revolver, Serial [REDACTED] loaded with five (5) rounds of 44 magnum silvertip bullets. This handgun was under the bed in bedroom #1.
2. Browning High Power 9mm, semi automatic pistol, blue steel, Serial [REDACTED] in a black vinyl gun case that contained an additional barrel. This handgun was on the closet shelf, under some clothing, in bedroom #2. This gun was not loaded.
3. Harrington & Richardson 12 gauge, single shot, shotgun Serial [REDACTED] loaded with a Winchester Super-X 12 Ga. magnum double '0' buck, shotgun shell. The shotgun had a sawed off stock with an additional 12 Ga. round stored in the sawed off stock. The shotgun was in bedroom #2 leaning against a bookcase on the west wall.
4. High Standard, 22 long rifle, Sport King-M, blue steel semi automatic pistol, Serial [REDACTED] This gun was under a work bench in bedroom #2. The work bench was against the east wall of the bedroom.
5. Ruger, 22 caliber, stainless steel, New Model, Single six revolver, Serial [REDACTED] This gun was in a press board cabinet against the north wall in bedroom #2.

I queried the automated firearm system with the above noted firearm serial numbers. None of the guns came back as being reported stolen. I also queried the automated firearm system for guns registered to both Sylvan Byrd and [REDACTED]. [REDACTED] showed no history record in the automated firearm system. There were five (5) gun entries in the automated firearm system as being registered to Sylvan Byrd. Of those five (5) guns, only one (1) is from the above noted list, item #5 the Ruger 22 caliber single six revolver, serial # [REDACTED]. The additional four (4) guns were not found at the Byrd residence. Refer to a copy of the Automated Firearm

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Date: 4-7-93

Approved:

System Data.

While in bedroom #2, I observed several knives, firearm reloading equipment, and soldier of fortune magazines. I collected a police shooting trophy from on top of a dresser in bedroom #2. Engraved on a plate on the trophy was, "Byrd" 235 Expert-1986. On the top of the trophy was a police officer with his arm extended holding a handgun, depicting a shooting position. This was placed into Sheriff's Property. On the bottom of the trophy was a sticker which read; [REDACTED]

I contacted [REDACTED] by telephone and talked with a [REDACTED] subject by the name of [REDACTED] told me it would almost impossible for [REDACTED] to trace the sale of the trophy back to the year, 1986. [REDACTED] further advised, they make many trophies of that type and at one time was making them for a [REDACTED] school in [REDACTED] [REDACTED] told me [REDACTED] believes the school has been out of business for quite sometime and could not even remember the name of it.

During [REDACTED] interview [REDACTED] told me [REDACTED] had been drinking rum and coke, on and off during the day. In a plastic trash bag, in the kitchen of the apartment, I found an empty bottle of Captain Morgan Rum and an empty bottle of Kessler's Whiskey. The empty bottles were not collected, however they were photographed by Forensic Specialist Matt Johnson. The front door to the apartment was removed from its hinges by Forensic Specialist Matt Johnson. Investigator Ramos and I carried the door down to Sugarman's County Vehicle. The door was transported to the Sheriff's Department by Sugarman to be maintained as evidence.

Before clearing the scene at 0320 hours I telephoned [REDACTED] [REDACTED] I was told [REDACTED] was asleep. [REDACTED] the deceased's [REDACTED] came to the apartment at which time I released the apartment to them. I walked both subject's through the apartment pointing out what damage had been done in retrieving evidentiary items, and told them what items had been removed from the apartment. I told them to have [REDACTED] contact the City of Los Alamitos, reference any costs they encounter for repair, including

Inv: R. RUSSELL #105 / R. RAMOS # 79	Date: 4-7-93	Approved:
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replacement of the front door.

On Sunday, 1-24-93, at 0800 hours, I attended the autopsy of Sylvan Byrd at the Orange County Forensic Science Service Center. The autopsy was performed by Board Certified Forensic Pathologist Dr. David Katsuyama. Also present during the autopsy was Orange County Sheriff's Department Forensic Specialist Linda Raatz, and Senior Criminalist Loren Sugarman. At the conclusion of the post mortem examination, Dr. Katsuyama determined Byrd had sustained four (4) gunshot wounds, three (3) to the upper torso, and one (1) to the right leg just below the knee. The preliminary cause of death was determined to be exsanguination due to gunshot wounds to the right lung, liver, mesentery, and left iliac artery. For additional refer to the autopsy report by Dr. Katsuyama.

On Monday, 2-1-93, at 0830 hours a [REDACTED] contacted the Sheriff's Department Homicide Detail by telephone and advised [REDACTED] had information about the Los Alamitos shooting. The call was taken by Investigator Ed Berakovich, who in turn referred [REDACTED] to me. When I got on the telephone, [REDACTED] said, what you guys did to Sylvan Byrd is exactly what he wanted you to do. I told [REDACTED] the Sheriff's Department was investigating the shooting and was not involved in it. [REDACTED] then told me, well whoever it was, did exactly what he wanted.

[REDACTED] told me [REDACTED] had been [REDACTED] to Sylvan Byrd for [REDACTED] [REDACTED] said [REDACTED] always felt Sylvan had a death wish. [REDACTED] agreed to an interview. An appointment was made for the same evening at 1900 hours, at [REDACTED] further advised [REDACTED] would also be at the residence and [REDACTED] felt I would also want to talk with [REDACTED]

On Monday, 2-1-93, at 1952 hours Investigator R. Garcia and I conducted a tape recorded interview of [REDACTED] at [REDACTED] residence. The interview ended at 2116 hours. After [REDACTED] interview, Garcia and I interviewed [REDACTED] [REDACTED] interview started at 2122 hours and ended at 2226 hours. For the contents of both interview's refer to the audio

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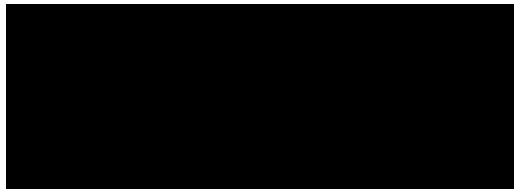
tapes and the tape transcript's.

During [REDACTED] interview, [REDACTED] was very negative and derogatory towards [REDACTED] Sylvan Byrd. As Garcia and I were leaving the residence, [REDACTED] asked for the names of the officer's involved in the shooting. I told [REDACTED] we were not releasing that information at this time. [REDACTED] said, the reason [REDACTED] was inquiring was because [REDACTED] would like to send them some flowers, and a thank you card.

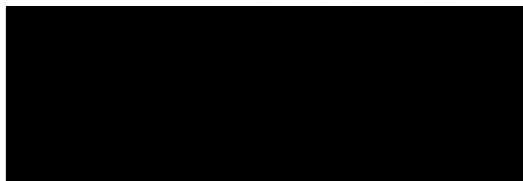
On 2-24-93, I contacted the United States Bureau of Alcohol, Tobacco, and Firearms-National Gun Tracing Center, by telephone, at (800) 424-5057. I requested a history search be conducted on the Walther PPK/S 380 Cal. Semi-Automatic Pistol, which Sylvan Byrd had in his hand at the time he was shot by the two (2) Los Alamitos Police Officers. I was requested to Fax all information I had on the gun.

On March 23, 1993, I received the following information from the United States Bureau of Alcohol, Tabacco, and Firearms. The Country of Origin of the firearm is Germany.

After manufacture the firearm was shipped to a distributor in the United States; International Armament Company



On 1-16-86, the firearm was purchased from International Armament Company by; RBR Wholesale Guns Inc.



On 1-21-86, the firearm was purchased from RBR Wholesale Guns Inc. by; The Gun Traders



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[REDACTED]

On 1-30-86, the firearm was purchased from the Gun Traders by;
Sylvan Byrd

[REDACTED]

Male, 5-11, 185, DOB: [REDACTED] POB: [REDACTED]

The Identification used to purchase the firearm was a drivers license, I.D.
Number: [REDACTED]

The investigation has revealed the Los Alamitos Police Department received five (5) 911 Calls, on 1-23-93, between 1730 and 2200 hours. The first call was at 17:37:01 and was received from [REDACTED] This was the initial 911 call placed by [REDACTED] [REDACTED] complained of a disturbance coming from apartment #4. A second 911 call was received at 17:45:01 from [REDACTED] This was from a [REDACTED] subject advising [REDACTED] had just heard gunfire. At approximately 17:45:29 another 911 call was received from [REDACTED] This is the telephone number of [REDACTED] This was a [REDACTED] when asked, do you have an emergency, by the dispatcher, answered, no, and was placed on hold. At 17:46:47 a 911 call was received from [REDACTED] from a [REDACTED] subject advising [REDACTED] heard gunfire. [REDACTED] was advised by the dispatcher, we're already there, thank you. The last 911 call was received from [REDACTED] [REDACTED] This was where the shooting occurred, and was placed by one of the officer's at the scene to advise of the situation.

After receiving the initial 911 call, at the Los Alamitos Police Department, the call was dispatched at 17:38:22 to 48 Bravo-2 (VanHolt) with 48 X-Ray-2 (Cantu) to follow (back-up). The call was put out as a 415 (disturbing the peace) verbal only. The following is a summation of the radio traffic after the call is dispatched:

Inv: R. RUSSELL #105 / R. RAMOS # 79

Date: 4-7-93

Approved:

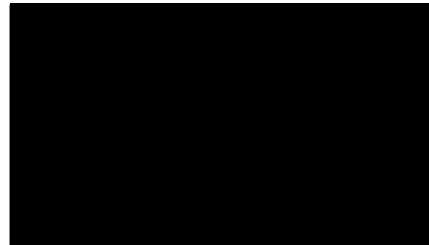
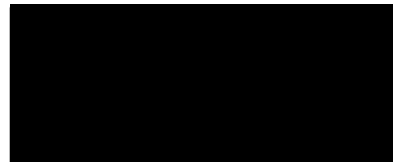
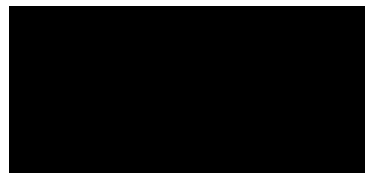
17:40:24; 48 X-Ray-2: (Cantu) 10-97 (arrived at scene).
17:42:10; 48 Bravo-2: (VanHolt) 10-97 on Howard.
17:43:59; 48 Bravo-2: (VanHolt) we'll be at number 4
17:44:05; Los Alamitos Dispatcher: Confirming #4
17:44:28; 48 Bravo-2: (VanHolt) 998 (officer involved in gun battle)
(this transmission is going out over Los Alamitos'
green channel)
17:46:28; 48 X-Ray-2: (Cantu) We are Code 4 (no further assistance
needed) one (1) down
(this transmission is broadcast over Control I, red
channel. Control I acknowledges the transmission
and advises X-Ray-2, further transmissions will be
handled on Los Alamitos' green channel)

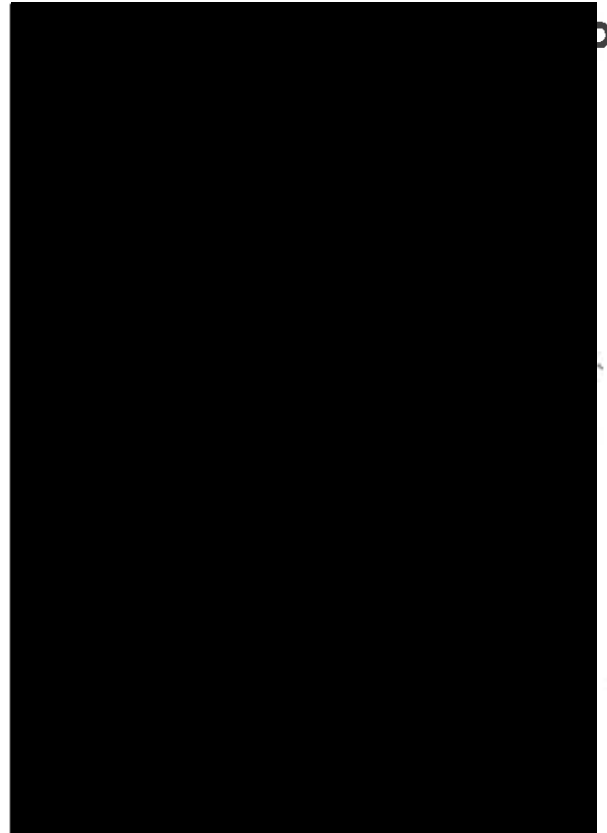
The above noted dispatch times and conversation were both video, and audio recorded at the Los Alamitos Police Department by me, with the assistance of Bill Coleman, Records and Dispatch Supervisor with the Los Alamitos Police Department, using the original dispatch tape, and a Racal Recorder.

Inv: R. RUSSELL #105 / R. RAMOS # 79	Date: 4-7-93	Approved:
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**SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA****BRAD GATES, SHERIFF-CORONER****FOLLOW-UP CRIMINAL REPORT**

OFFENSE: Officer Involved Shooting	LOCATION: 3572 Howard # 4, Los Alamitos	
VICTIM: Sylvan BYRD (Deceased)	DATE: January 23, 1993	GRID: 14B2

DETAILS OF INCIDENT:**Informant:****Victim:****Slyvan BYRD (Deceased)****Subject:****Officer V. CANTU
Los Alamitos Police Dept.****Subject:****Officer M. VAN HOLT
Los Alamitos Police Dept.**

Witness:**Witness:****Witness:****Witness:**

On January 23, 1993, at approximately 1920 hours, I received a telephone call from Sergeant James SIDEBOTHAM of the Homicide Detail reference an officer involved shooting incident, which occurred at 3572 Howard Street #4 in the City of Los Alamitos. I was instructed by him to respond to the scene and assist in the investigation.

I arrived on the scene at about 2015 hours and met with SIDEBOTHAM, who told me to interview the [REDACTED] I contacted [REDACTED] [REDACTED] at 2035 hours and determined that [REDACTED] was the person, who notified the police department about the disturbance, which lead to the shooting

incident. I then interviewed [REDACTED] on tape. For details of [REDACTED] statement, refer to the transcription.

At 2125 hours, I interviewed [REDACTED] which was also recorded on tape.

After that, I interviewed [REDACTED] at 2140 hours. [REDACTED] related the following details: [REDACTED] arrived home at around 1745 hours and parked [REDACTED] car on Howard Street in front of [REDACTED]. [REDACTED] then got out of the car and started walking towards [REDACTED] front door. [REDACTED] saw his neighbors, [REDACTED] walking on the sidewalk in front of the apartment complex. [REDACTED] also noticed two police cars parked in front of the same complex on Howard Street.

[REDACTED] was just about to open [REDACTED] apartment, when [REDACTED] heard six to seven gun shots ring out from what [REDACTED] thinks came from more than one weapon. [REDACTED] immediately ran back out to the sidewalk, then realized [REDACTED]. [REDACTED] returned to the apartment and found [REDACTED]. [REDACTED] told them to get down on the floor, and then [REDACTED] thought it might be safer outside. So they ran down the front sidewalk and ended up two apartment buildings east of where they were. They waited there until it was safe to return [REDACTED]. Shortly thereafter, they saw numerous police vehicles and fire equipment arrive on the street.

They subsequently returned [REDACTED] and remained there until about 1930 hours, when they were contacted by a Seal Beach police officer. That officer interviewed them briefly about their observations and inspected the upstairs central heating unit's closet and masterbedroom's shower, where a bullet had entered. At about 2010 hours, the same officer returned to their apartment with two forensic specialists and removed the bullet.

I then asked [REDACTED] if [REDACTED] heard the disturbance at apartment #4 before the gun shots. [REDACTED] said [REDACTED] did not. The interview was concluded at 2200 hours.

At approximately 2300 hours, I met two more witnesses, [REDACTED]
[REDACTED]

Los Alamitos. [REDACTED] were in the process of moving into [REDACTED] this afternoon, when the shooting incident occurred [REDACTED] was also the person, who was standing around the corner from the front door to [REDACTED] and heard the police officers knock on the door to apartment #4 (BYRD), identify themselves and repeatedly order the resident inside to show them the hands before the shooting started. Those two interviews were also recorded on tape.

After the interview, [REDACTED] told me that [REDACTED] [REDACTED] was helping [REDACTED] move earlier that day, when the incident took place.

I contacted my last witness, [REDACTED] at [REDACTED] apartment, located at [REDACTED]

[REDACTED] The interview started at 0030 hours.

[REDACTED] provided the following details: [REDACTED] returned home yesterday at about 1700 hours. [REDACTED] parked [REDACTED] car [REDACTED] [REDACTED] walked up the walkway between [REDACTED] building [REDACTED] [REDACTED] noticed a male and a female sitting out on their balcony, which [REDACTED] thinks is apartment #4. [REDACTED] entered [REDACTED] apartment without paying anymore attention to the couple in the [REDACTED] building.

[REDACTED] then went into [REDACTED] bathroom and attempted to repair [REDACTED] shower. [REDACTED] was unsuccessful with the repair, so [REDACTED] decided to make dinner for [REDACTED] entered [REDACTED] living room, which is connected to [REDACTED] kitchen and heard what [REDACTED] thought was a wallet or coin purse being thrown and its contents scattered about. The sound came through the open window of the [REDACTED] living room.

After that, [REDACTED] heard a [REDACTED] voice in the same apartment, shouting something similar to, Here's your credit cards, here's your money, I'm out of here. The [REDACTED] was hysterically sobbing, while [REDACTED] was making those statements. It also sounded like [REDACTED] was looking for something possibly [REDACTED] keys, so [REDACTED] could leave. During that event, [REDACTED] also heard a [REDACTED] voice in the apartment, but it was not clear, so [REDACTED] could not understand what [REDACTED] was saying to the [REDACTED] Furthermore, there was a Western movie, blaring on the television in the same apartment, and

It seemed to get louder as the yelling got louder.

At approximately 1720 hours, [REDACTED] received a telephone call [REDACTED]. While talking to [REDACTED] hears firecrackers going off in front of [REDACTED] apartment. [REDACTED] then realizes that they were gunshots. [REDACTED] immediately ends the conversation and runs to the open window [REDACTED]. [REDACTED] heard the [REDACTED] in the apartment #4 screaming, Help my [REDACTED] and [REDACTED] said it over and over again. [REDACTED] also heard a [REDACTED] voice, moaning. That was when [REDACTED] dialed 911. The police dispatcher, who answered the call told [REDACTED] that the officers were already there.

After that, [REDACTED] went outside the front door of [REDACTED] apartment and heard someone say, get back inside. [REDACTED] looked up at the balcony of apartment #4 and saw a figure of a person standing away from the sliding glass door. [REDACTED] heard the [REDACTED] in that apartment screaming, Help [REDACTED] and then a male voice said, The paramedics are on the way. A few minutes later, [REDACTED] noticed that the police were everywhere, so [REDACTED] went back into [REDACTED] apartment and remained there until [REDACTED] was contacted by a Cypress police officer at about 1915 hours.

In closing, I asked [REDACTED] if [REDACTED] heard the police officers on the other side of the building prior to the shooting. [REDACTED] said no. The interview ended at 0100 hours.

Next, I placed my business cards on the front doors of [REDACTED].

On January 26, 1993, at approximately 1030 hours, I spoke to [REDACTED] on the telephone and asked [REDACTED] if [REDACTED] was with [REDACTED] on the day of the shooting. [REDACTED] said yes. I asked [REDACTED] where [REDACTED] was when the shots rang out. [REDACTED] stated [REDACTED] was standing by the gate to the rear parking lot of [REDACTED] apartment building. I then asked [REDACTED] if [REDACTED] heard any of the disturbance before the shooting. [REDACTED] said [REDACTED] heard some of the shouting, but that was it. [REDACTED] also stated that [REDACTED] did not know the officers were even there. I asked [REDACTED] what [REDACTED] did after the shooting. [REDACTED] said [REDACTED] was standing next to [REDACTED] when a [REDACTED] officer brought [REDACTED] out of the apartment.

**SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA**

BRAD GATES, SHERIFF-CORONER**FOLLOW-UP CRIMINAL REPORT**

OFFENSE: Officer Involved Shooting	LOCATION: 3572 Howard Avenue #4, Los Alamitos, CA	
VICTIM: BYRD, Sylvan Randall (8-18-52)	DATE: 1-23-93	GRID: 14B2

DETAILS OF INCIDENT:

On Saturday, 1-23-93, at approximately 1835 hours, I received a telephone call from Investigator RUSSELL informing me of an Officer Involved Shooting in the city of Los Alamitos. Investigator RUSSELL requested I proceed to 3572 Howard Avenue #4, Los Alamitos to assist in the investigation.

I arrived at the scene of the shooting at approximately 2005 hours, and after being briefed by Sergeant Sidebotham as to the circumstances of the incident, I interviewed the following witnesses:

Interview of:

H/A:

Location:

Date and Time: Saturday, 1-23-92, from 2039 to 2112 hours and 2136 to 2154 hours

BYRD'S apartment. I interviewed [REDACTED] at their apartment separately. Both interviews were tape recorded and later transcribed; refer to audio tapes or transcripts for details of the interviews.

Interview of:

H/A:

Location:

Date and Time: Saturday, 1-23-92, from 2204 to 2218 hours

INV. R. RUSSELL

R. GARCIA #148

DATE: 1-27-93

APPROVED:

[REDACTED] was not home at the time of the shooting and was also not home when I interviewed [REDACTED]. I tape recorded [REDACTED] interview and later had the audio tape transcribed; refer to audio tape or transcript for details.

At the conclusion of these interviews, Sergeant SIDEBOTHAM assigned me to assist Criminalist L. SUGARMAN and Forensic Specialist M. JOHNSON in processing the scene of the shooting: 3572 Howard Avenue #4, Los Alamitos. I entered the scene of the shooting at approximately 2242 hours, where I helped Criminalist L. SUGARMAN and Forensic Specialist M. JOHNSON search the apartment for bullet holes and damage caused by the bullets to account for the number of shots fired and the trajectory of each respective bullet; refer to reports by Criminalist L. SUGARMAN and Forensic Specialist M. JOHNSON for the result of their findings.

At approximately 0040 hours, Sergeant SIDEBOTHAM assigned Investigator H. STRAND and I to interview [REDACTED] the scene of the shooting. I

interviewed the following people:

Interview of: [REDACTED]

H/A: [REDACTED]

B/A: [REDACTED]

Location: [REDACTED]

Date and Time: Saturday, 1-23-92 at 0055 hours

Interview of: [REDACTED]

H/A: [REDACTED]

B/A: [REDACTED]

Location: [REDACTED]

Date and Time: Saturday, 1-23-92 at 0055 hours

[REDACTED] They were not home at the time of the shooting. [REDACTED] left their apartment at approximately 1115 hours (1-23-93). They spent the day at [REDACTED] and did not return home until approximately 1900 hours. When they got home they noticed the police cars parked in the street.

[REDACTED] did not know the BYRD'S, nor were they aware of any

arguing or fighting coming from the area of the BYRD'S apartment.

Interview of: [REDACTED]

H/A: [REDACTED]

B/A: [REDACTED]

Location: [REDACTED]

Date and Time: Saturday, 1-23-92 at 0057 hours

Interview of: [REDACTED]

H/A: [REDACTED]

B/A: [REDACTED]

Location: [REDACTED]

Date and Time: Saturday, 1-23-92 at 0055 hours

[REDACTED] lives in the apartment with [REDACTED] said that [REDACTED] were in the living room, accompanied by [REDACTED] [REDACTED] at the time of the shooting. [REDACTED] had since gone to bed and [REDACTED] had gone home, so I was only able to interview [REDACTED]

[REDACTED] said they were all having a conversation, while [REDACTED] was looking at the clock and TV guide, at approximately 1745-1750 hours, when they heard six to seven shots followed by a [REDACTED] screaming something similar to: "Oh my God, [REDACTED]" The [REDACTED] was crying and yelling, but this was the only understandable statement [REDACTED] made. The succession of shots was described as one shot, a slight pause, followed by the rest of the shots in rapid succession.

The gunshots were coming from the apartment building [REDACTED] [REDACTED], but since [REDACTED] windows were closed, they were unable to distinguish what specific apartment they were coming from. [REDACTED] took cover and waited approximately two to three minutes before exiting the apartment. They first thought the shooting took place in one of the apartments located on the first floors, but approximately five minutes later realized it

happened in the upstairs apartment, [REDACTED] A [REDACTED]
[REDACTED] pointed to the apartment and said that it happened
up there. The blinds in the apartment where the shooting supposedly took place were
closed, so they were not able to see anything. Investigator H. STRAND interviewed a
[REDACTED] refer to Investigator STRAND'S report for details.

Neither [REDACTED] knew the people living in apartment #4, the scene of
the shooting. [REDACTED] felt they were new tenants, whom [REDACTED] has never seen. They have
never heard any arguing or fighting coming from this apartment.

1. COPIES TO:

OCSD Homicide Inv.
Corr. 93-573ESSHERIFF-CORONER DEPARTMENT
FORENSIC SCIENCE SERVICES
ORANGE COUNTY
SANTA ANA, CALIFORNIA2. CASE NO. 93-4064
FR# 93-40877
2A. DEPT. Los Alamitos PD/93-155

RAD GATES, SHERIFF-CORONER


IDENTIFICATION REPORT

1. TYPE OF CALL Officer Involved Shooting		4. WHERE COMMITTED 3572 Howard #4, Los Alamitos	
5. VICTIM Los Al. PD Officers VAN HOLT and CANTU		6. ADDRESS-PHONE N/A	
7. SUSPECT BYRD, Sylvan		8. WHERE PERFORMED See #4.	
9. REQUESTED BY Sgt. Berenda	10. DATE-TIME REQUESTED 1-23-93/1907	11. DATE-TIME PERFORMED 1-23-93 2000 / 0300	
12. LATENT PRINTS YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		No latent print processing conducted.	
13. ELIMINATION PRINTS YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		None collected.	
14. PHOTOGRAPHS TAKEN YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		B & W <input type="checkbox"/> COLOR <input checked="" type="checkbox"/>	74 photographs taken at scene(see #20 for photo list).
15. TOOL MARKS YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		None seen on front door.	
16. FOOT PRINTS YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		None noted.	
17. TIRE TRACKS YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		None noted.	
18. PHYSICAL EVIDENCE YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		Evidence collected by Crim. SUGARMAN from scene.	
19. FOLLOW UP REPORT YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		None requested at this time.	

20. SPECIAL NOTATIONS

Upon arrival Los Al. PD Sgt. BIGGERSTAFF provided details of the incident. The investigation was being handled by OCSD Homicide, Sgt. SIDEBOTHAM and a number of other OCSD Investigators were present. Seal Beach Officers were providing scene security. OCSD Criminalist L. SUGARMAN was also present.

I was told, at the scene, that Los Al. Officers VAN HOLT and CANTU had responded to a domestic dispute. They knocked on the front door and suspect BYRD answered the door. A confrontation took place and numerous shots were fired by both officers. The suspect was hit several times with gunfire. Neither of the officers were

21. FORENSIC SPECIALIST G. Matt Johnson LFS	22. DATE OF REPORT 1-29-93	23. APPROVED 
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were injured.

The scene was located at 3572 Howard #4 in the City of Los Alamitos. This address is a second floor apartment located in the N/W area of an apartment complex. The front door to the apartment was located at the top of a narrow stairway. There were numerous casing on the landing in front of the front door and on the stairs. There were numerous bullet strikes and holes in the front door, the kitchen, the dining room floor, the main bathroom, the main hallway, and the E/bedroom. There was large amount of blood on the dining room floor along with paramedic trash. The victim had been transported to the hospital prior to my arrival. Also on the dining room floor was a Colt magazine and a Wather PPK/S .380 ACP pistol.

Apparently one of the bullets went through the shower wall of the main bathroom in apartment #4, through the furnace closet of apartment #1(to the north of apartment #4), and into the shower stall of the E/bedroom bathroom of apartment #1.

I assisted SUGARMAN with locating evidence and determining bullet trajectories.

The following is a list of the photographs I took at the scene:

1. no flash
 2. call slip
 3. o/v front of apartment complex
 - 4-5. o/v furnace closet in 2nd floor of apt. #1
 6. holes in furnace closet walls
 7. holes in shower stall of E/bedroom bathroom(apt. #1)
 8. probe in furnace closet
 9. same probe through shower stall
 - 10-11. stairway to apt. #4
 - 12-14. o/v front door area
 15. o/v kitchen
 16. call slip
 17. o/v kitchen
 18. back of front door
 - 19-21. o/v living room
 - 22-23. o/v hallway
 - 24-28. o/v E/bedroom
 29. o/v E/bedroom bathroom
 30. o/v main bathroom
 31. call slip
 32. o/v main bathroom
 - 33-37. o/v. W/bedroom
 - 38-39. landing area
 - 40-41. no flash
 42. landing area
 - 43-45. holes in front door
 46. call slip
 - 47-49. holes in front door
 - 50-51. probes in front door
 - 52-53. probe in kitchen counter through drawer
 54. probes in refrigerator and microwave oven
 - 55-57. probe in kitchen cupboard door
 58. probes in hallway wall
 59. recovery damage to E/bedroom closet wall
 60. recovery damage to kitchen cupboard door
 61. call slip
 - 62-64. bullet hole in side of cabinet next to pantry
 65. bullet strikes on floor in dining area
 66. shirt on floor in dining area
 67. liquor bottles in trash bag in dining area
 68. ammo in hall closet
 69. Ruger revolver under bed in E/bedroom
 - 70-71. bullet hole in S/wall of E/bedroom
 - 72-73. bullet strike on E/wall of E/bedroom
 74. recovery damage to floor in dining area
- I took no other photographs at the scene.

I prepared a rough sketch of the scene in apt. #4 with measurements and SUGARMAN made sketches of specific areas with measurements. Sketches and measurements are available upon request.

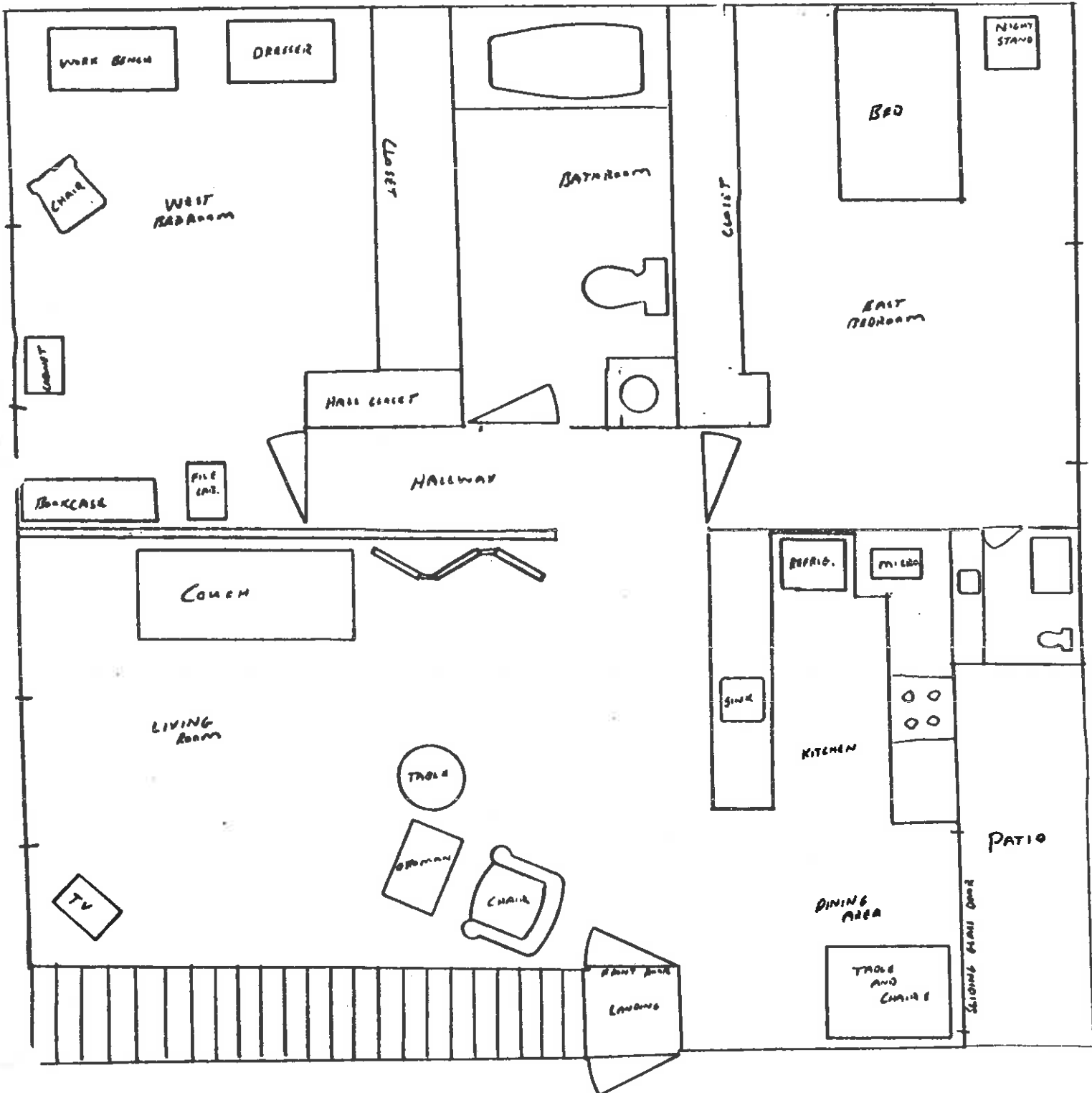
I performed no other identification work on this case.

I finished the assignment at 0300 hours on 1-24-93.

ORIGINAL

OCSD/93-4064
FR# 93-40877
Los Al. PD/93-155
Officer Involved Shooting
scene sketch
Not to scale
1-23-93

3572 Howard #4, Los Alamitos



1. COPIES TO:
OC SHERIFF HOMICIDE
93-04064

SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA

2. CASE NO.	FR 93-40877
3. DEPT.	
4. <input checked="" type="checkbox"/> FOLLOW-UP	
5. <input type="checkbox"/> PHOTOGRAPHIC	
6. <input type="checkbox"/> LABORATORY EXAMINATION	

LOS ALAMITOS PD
93-155

BRAD GATES, SHERIFF-CORONER

IDENTIFICATION EXAMINATION

7. OFFENSE OFFICER INVOLVED SHOOTING (DEATH)			8. VICTIM/SUSPECT BYRD, SYLVAN (VICTIM)		
9. TYPE OF EXAMINATION EVIDENCE COLLECTION			10. DATE 01-23-93		11. SERVICE REQUEST NO.
12. IDENT.	13. NO IDENT.	14. INCONCLUSIVE	15. PHOTOGRAPHS TAKEN YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		B & W <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> 10 EXPS

16. DETAILS

On Saturday, January 23, at approximately 1945 hours, I arrived at the Los Alamitos Police Department for the purpose of collected gunshot residue and other physical evidence from two police officers who were involved in a shooting. These officers were identified to me by Chief GUESS, as Vic CANTU and Mark VAN HOLT. CANTU was not at the station when I first arrived so I proceeded to process VAN HOLT. Five photographs were taken of him showing views of his face and four sides of his fully clothed body. The GSR evidence was next collected. During the routine questioning while filling out the information sheet on the GSR kit, I asked VAN HOLT how many rounds he had fired. His reply was that he thought it was "eight". I asked why he said that and he told me that "he had emptied one magazine from his weapon and reloaded with another" and that "the magazine held eight rounds". When the GSR collection was completed, VAN HOLT gave me his weapon. While doing so, I had him remove the magazine, and empty the chamber. Prior to this, the gun was in the cocked position with a round in the chamber. The weapon received from VAN HOLT was a silver color, Colt .5 auto pistol, serial number [REDACTED]

Officer CANTU arrived at the station at approximately 2035 hours. Prior to his arrival I was made aware that the uniform trousers he had been wearing at the time of the shooting had become blood stained and that he had removed them and left them in the briefing room at the station. Their location was shown to me and I collected them as physical evidence. At approximately 2100 hours I photographed CANTU and processed him for GSR evidence. During the routine questioning while filling out the GSR information sheet, he told me that he had been "wearing black leather gloves" at the time of the shooting, and that he beleived he had fired "seven rounds". He said that he beleived this to be true because his magazine held eight rounds and he had not depleted it. After the GSR evidence was collected, he removed an empty magazine from the weapon and removed one round from the chamber. Prior to this the gun was cocked with a round in the chamber. The weapon received from CANTU was black color, Springfield Armory, .45 cal auto pistol, serial number [REDACTED] CANTU also gave me the black leather gloves.

At approximately 2200 hours, I went with both officers to the Los Alamitos Medical Center where I witnessed the collection of BA and 11550 blood from both officers. This blood was drawn by Lab Assistant Susan BROMLEY who then gave the sealed containers to me to be booked as required.

Upon my return to the Sheriff's ID Bureau complex, I placed the blood samples in the proper containers located at the Forensic Science Center, and place the other items in the property storage room at 320 N. Flower St.

17. IDENTIFICATION OFFICER G.R. JACKSON, SR.F.S.	18. DATE OF REPORT 01-28-93	19. APPROVED [Signature]
---	--------------------------------	-----------------------------

1. COPIES TO:

Los Alamitos PD. 93-155
OCSD DR# 93-4064

SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA

2. CASE NO. FR# 93-40877

3. DEPT. OCSD

4. ☐ FOLLOW-UP
5. ☒ PHOTOGRAPHIC
6. ☐ LABORATORY EXAMINATION

BRAD GATES, SHERIFF-CORONER

IDENTIFICATION EXAMINATION

7. OFFENSE Officer Involved Shooting			8. VICTIM/SUSPECT BYRD, Sylvan (suspect)		
9. TYPE OF EXAMINATION Photographic			10. DATE 2-4-93		11. SERVICE REQUEST NO.
12. IDENT.	13. NO IDENT.	14. INCONCLUSIVE	15. PHOTOGRAPHS TAKEN YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		B & W <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> 12 exp.

16. DETAILS

On Thursday, 2-4-93, at 0800 hours, I photographed two handguns in the OCSD's photo studio. The guns were a Colt .45 caliber (silver) and a Springfield .45 caliber (black). The guns were photographed together and individually. A total of 12 color photos were taken.

NOF

17. IDENTIFICATION OFFICER Grant FRY, Forensic Specialist	18. DATE OF REPORT 2-4-93	19. APPROVED [Signature]
--	------------------------------	-----------------------------

1 COPIES TO

OCDA
HOMICIDE

SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA

2 CASE NO. 93-40877

3 DEPT. LOS AL

- 4 ☒ FOLLOW-UP
5 ☒ PHOTOGRAPHIC
6 ☐ LABORATORY EXAMINATION

BRAD GATES, SHERIFF-CORONER

IDENTIFICATION EXAMINATION

7. OFFENSE Officer involved shooting				8. XXXX SUSPECT BYRD, Sylvan	
9. TYPE OF EXAMINATION Aerial scene photography				10. DATE 02/04/93	
11. SERVICE REQUEST NO.					
12. IDENT.	13. NO IDENT.	14. INCONCLUSIVE	15. PHOTOGRAPHS TAKEN YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		16. B & W <input type="checkbox"/> COLOR <input checked="" type="checkbox"/>

16. DETAILS

On 02/04/93 at 1100 hours, I responded to the OCSD Air Support Bureau, John Wayne Airport. I was met by SGT. Don KNUTSEN, OCSD who flew me over 3572 Howard, Los Alamitos. The apartment building was multi unit and two story. Twenty aerial photographs were taken of the building and it's orientation to surrounding street access.

17. IDENTIFICATION OFFICER Mark HARTSTEIN FS <i>Mark Hartstein</i>		18. DATE OF REPORT 02/11/93	19. APPROVED <i>[Signature]</i>
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1. COPIES TO:

Homicide Detail

SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA

2. CASE NO. FR# 93-40877

3. DEPT.

4. ☐ FOLLOW-UP5. ☒ PHOTOGRAPHIC6. ☐ LABORATORY EXAMINATION

BRAD GATES, SHERIFF-CORONER

IDENTIFICATION EXAMINATION

7. OFFENSE OFFICER INVOLVED SHOOTING			8. VICTIM/SUSPECT BYRD, SYLVAN		
9. TYPE OF EXAMINATION POST EMBALMING PHOTOGRAPHY			10. DATE 01/26/93		11. SERVICE REQUEST NO.
12. IDENT.	13. NO IDENT.	14. INCONCLUSIVE	15. PHOTOGRAPHS TAKEN YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		B & W <input type="checkbox"/> COLOR <input checked="" type="checkbox"/>

16. DETAILS

ON 01/26/93 AT 2100 HOURS I TOOK POST EMBALMING PHOTOGRAPHS OF THE ABOVE NAMED VICTIM AT THE ORANGE COUNTY FORENSIC SCIENCE CENTER. THE FOLLOWING LIST OF PHOTOGRAPHS WERE TAKEN AT THE DIRECTION OF FORENSIC ASSISTANT S. BROWN.

1. OVERALL FRONT
2. UPPER FRONT
3. MISFIRE
4. LOWER FRONT
5. BOTH HANDS
6. CLOSE-UP LEFT ARM
7. CLOSE-UP RIGHT ARM
8. FULL FACE
9. LEFT PROFILE
10. RIGHT PROFILE
11. UPPER BACK
12. LOWER BACK

17. IDENTIFICATION OFFICER L.E.S. W. PROTHERO	18. DATE OF REPORT 01/26/93	19. APPROVED <i>[Signature]</i>
--	--------------------------------	------------------------------------

BRAD GATES, Sheriff-Coroner

REQUEST FOR FINGERPRINT EXAMINATION

TIME: 075 DATE: 1-23-93 DEPT: OCSD CASE NO: 93-4064
(OF OFFENSE) (SUBMITTING) (USE ONE FORM FOR EACH CASE #)INVESTIGATING OFFICER: Russell PHONE NO: DATE OF REQ. REC. BYDATE RESULTS NEEDED RUSH APPROVAL ASSIGNED TO CN 6 2/10

NAME(S)	OC # and D.O.B.	EVIDENCE/WORK REQUESTED
<input type="checkbox"/> Suspect(s)		<input checked="" type="checkbox"/> Process <input type="checkbox"/> Compare <input type="checkbox"/> OC-ALPS <input type="checkbox"/> Other (For OC-ALPS: Elimination prints must be submitted)
<u>Sylvan BYRD</u>		
		<u>Walther PPK/S 380 Auto Pistol</u>
		<u>MAGAZINE</u>
<u>Refer to CE 610</u>		<u>AMMUNITION (7 - CTGS)</u>
<u>Notify Submitter when complete</u>		

Evidence Received From <u>C/E 610</u>	By <u>C. GOURLAY</u>	Date <u>2/16/93</u>
Evidence Released To <u>C/E 610</u>	By <u>C. GOURLAY</u>	Date <u>3/25/93</u>

RESULTS OF FINGERPRINT EXAMINATIONS

Process/Evaluation	Comparison/Identification	OC-ALPS
<input checked="" type="checkbox"/> Items processed, no print(s) found	<input type="checkbox"/> Print identification. See Details	<input type="checkbox"/> Prints are insufficient for search
<input type="checkbox"/> Print(s) have insufficient detail	<input type="checkbox"/> No fingerprints of suspect(s) available	<input type="checkbox"/> Searched with negative results
<input type="checkbox"/> Fingerprints of possible value	<input type="checkbox"/> No palm prints of suspect(s) available	<input type="checkbox"/> Latent being retained for future search
<input type="checkbox"/> Palm prints of possible value	<input type="checkbox"/> Prints compared with negative results	<input type="checkbox"/> Palm prints only — not searchable
<input type="checkbox"/> No latent prints in file	<input type="checkbox"/> Prints are not made by individuals compared	

DETAILS	PHOTOGRAPHS TAKEN YES <input type="checkbox"/> NO <input type="checkbox"/>	B & W <input type="checkbox"/> COLOR <input type="checkbox"/>
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The evidence was received in a tape sealed box. All items were examined using CAE fumes, and fingerprint powder. No latent prints were developed.

A request for a LASER exam will be submitted.

FORENSIC SPECIALIST <u>C. GOURLAY</u>	DATE OF REPORT <u>2/25/93</u>	APPROVED <u>[Signature]</u>
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1. COPIES TO:

Los Alamitos PD. 93-155

**SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA**

2. CASE NO. 93-04064

3. DEPT. FR 93-40877

4. ☐ FOLLOW-UP5. ☒ PHOTOGRAPHIC6. ☐ LABORATORY EXAMINATION**BRAD GATES, SHERIFF-CORONER****IDENTIFICATION EXAMINATION**

7. OFFENSE Officer Involved Shooting			8. VICTIM/SUSPECT BYRD, Sylvan (victim)		
9. TYPE OF EXAMINATION Photographic			10. DATE 3-11-93		11. SERVICE REQUEST NO.
12. IDENT.	13. NO IDENT.	14. INCONCLUSIVE	15. PHOTOGRAPHS TAKEN YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		B & W <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> 15 exp.

16. DETAILS

On Thursday, 3-11-93, at 0900 hours, I photographed five firearms that were collected from the residence of BYRD, Sylvan. The weapons consisted of the following:

1. Ruger Redhawk .44 magnum pistol.
2. SportKing high standard .22 pistol.
3. Ruger Single Six .22 pistol.
4. Harrington & Richardson single shot 12 gauge shotgun.
5. Browning 9mm pistol.

A total of 15 photos were taken of the weapons; individually and as a group. The ID. scale tag shows the FR # 93-40917 in the photos. However, the correct FR # is 93-40877. The weapons were photographed at the O.C.S.D.'s photo studio.

NOF

17. IDENTIFICATION OFFICER Grant FRY, Forensic Specialist <i>GF</i>		18. DATE OF REPORT 3-12-93	19. APPROVED <i>MB</i>
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ORANGE COUNTY SHERIFF-CORONER DEPARTMENT
FORENSIC SCIENCE SERVICES
REPORT OF CRIME SCENE INVESTIGATION

NAME: BYRD, Sylvan Randall

O.C. Sheriff's DR #:93-4064

CRIME: Officer Involved Shooting

DATE: 1-23-93

CORONER #:93-573ES

re: Los Alamitos PD #:93-155

On January 23, 1993 at 7:55 p.m. I arrived at 3572 Howard Avenue in the city of Los Alamitos. An officer involved shooting had reportedly occurred at the entrance to an second floor apartment (#4) involving two Los Alamitos police officers and one male who later died. The Orange County Sheriff's Department was investigating the shooting.

Among those present at the scene were Sheriff's Sergeant Sidebotham, Investigators Russell and Garcia, and Forensic Specialist M.Johnson; Forensic Specialist G.Jackson responded to the police department to examine the involved officers and collect evidence. M.Johnson assisted in the search for evidence and documented the scene, see his sketch. Los Alamitos Police Sergeant G.Biggerstaff briefed us on the reported circumstances; Sergeant A.Farris was stationed inside the apartment prior to my arrival.

A narrow, enclosed stairway led up fourteen steps to a 39" square landing outside the door to apartment #4 to the north and apartment #5 to the south. The shooting apparently occurred at the doorway to apartment #4. The decedent reportedly fell to the floor in the dining area, was treated by paramedics, and was transported prior to my arrival. The dining furniture had been pushed to the south east corner of the dining area; a bloody plaid shirt and medical paraphernalia were on the dining area floor.

Fifteen fired Federal brand, caliber .45 Auto casings were around the entry, landing, and stairs. Eleven casings were on the landing at the top of the stairs, two casings were on the carpet just inside the door sill of the open doorway, one casing was on the top step of the stairway, and one casing was on the bottom step.

A stainless steel pistol was on the linoleum floor at the entry to the kitchen area; the pistol was four and one-half feet inside the main entry doorway. The handgun was a Walther (Interarms) model PPK/S caliber .380 Auto pistol [REDACTED]. The hammer was cocked, the manual safety was off, one cartridge was in the chamber and six cartridges were in the magazine. The pistol was unloaded and rendered safe at the scene. Also on the linoleum floor just inside the open door was an empty Colt .45 Auto stainless steel magazine; the magazine was enscribed VanHolt.

A examination for bullets, bullet fragments, impact marks and possible trajectories was made. Several bullet holes and apparent graze marks were in the solid-core front door. Four holes (#1-4) penetrated through the approximate center of the door, these were found in the area 33" to 42" high and 17" to 24" from the hinged edge. Three holes (#5-7) were in the hinged edge of the open door, approximately 30-35" high, with

Dh

ORANGE COUNTY SHERIFF-CORONER DEPARTMENT
FORENSIC SCIENCE SERVICES
REPORT OF CRIME SCENE INVESTIGATION

fragments of #5 and #7 exiting the exterior surface of the door (toward the interior when the door is open). These three edge-origin shots were at downward angles. Three apparent graze marks (#8-10) were on the exterior surface of the door at downward angles, glancing off of the door approximately 16-18" above the floor. With the door opened into the dining area, these downward shot are toward the dining area floor.

Soot debris and powder debris were around holes #1 and #2 in the door. Powder impact marks were present around holes #3 and edge hole #6.

One intact bullet was found on the carpet next to the front door; wood was embedded in the nose of this projectile. One bullet penetrated through the bathroom tub enclosure; the bullet was recovered from the adjacent apartment. The probed trajectory led back to the front doorway at full standing height.

One bullet was collected from the door, corresponding to edge hole #6. Copper and lead bullet fragments were collected from the door, corresponding to edge hole #5. A lead core fragment was imbedded into one of three divots (B) in the linoleum and cement dining area floor; a copper jacketing fragment was on the dining area floor.

One bullet was recovered from the kitchen cabinet drawers under the counter south of the sink. One bullet penetrated the refrigerator and lodged in the adjacent microwave oven on the counter top. One bullet penetrated the microwave, passed through the wall and was recovered from the east bedroom. One bullet ricocheted off of the kitchen linoleum floor (divot A) and was recovered from the over-head cabinet door above the microwave. The probed trajectories of these four bullets led back to the open front doorway.

Three projectiles struck the wall between the hallway and the central bathroom but were not recovered; it was determined that it would cause excessive damage to the apartment to recover them. Two projectiles were found to be imbedded into double framing studs in the hallway wall; one struck at the floor line and the other struck 32" above the floor. A third projectile struck this wall 31" high, deflected off of a stud, penetrated the wall behind the toilet and fell into a plumbing chase way.

Due to the swinging nature of the door several trajectory combinations were reasonable when considering which holes and marks in the door might line up with other impact marks found in the apartment. These are not the only possibilities as some interior holes may not have struck the front door at all. Below are some of the possibilities:

Door Hole/Mark number	Possible Items/Holes Inside Apt.
- #1	Refrigerator, Microwave, Hall holes "E" or "F"
- #2	Refrigerator, Microwave, Hall holes "E" or "F"
- #3	Hall holes "E" or "F"
- #7	Hall hole "D" (through baseboard)
- #9	Mark "C" on Dining area Floor
- #10	Mark "C" on Dining area Floor

Red

ORANGE COUNTY SHERIFF-CORONER DEPARTMENT
FORENSIC SCIENCE SERVICES
REPORT OF CRIME SCENE INVESTIGATION

None of the ten marks in the front door showed correspondence with the bullet hole in the shower (#12), or the bullet into the kitchen cabinet drawer (#11).

No fired .380 Auto bullets or casings were found around the shooting scene. All evidence is consistent with .45 Auto as used by the officers. A black nylon pistol holster was on the hallway floor under the hall cabinet. A box of Winchester .380 Auto ammunition was among items in the cabinet.

The following items of evidence were collected and later relinquished to the Sheriff's Property system:

- Walther PPK/S .380 Auto [REDACTED]
- Magazine for Colt .45 Auto (VanHolt)
- (15) .45 Auto casings
- Bullets from scene (8)
 - from apartment #1 (#12)
 - floor next to door
 - kitchen drawer (#11)
 - fragments from door (hole #5), and dining area floor
 - from door hole #6
 - east bedroom floor (microwave shot)
 - cabinet door above microwave
 - from microwave (shot through refrigerator)
- Overlays of powder and soot patterns on door
- Front door
- Shirt from dining area floor
- Nylon holster from hallway floor
- Winchester .380 Auto ammunition from hall cabinet
- Kitchen floor covering standards
- Strike mark samples from cabinet molding next to pantry.

Copies: OCSD, Homicide Date: 2/23/93

Date: _____

Date: _____

Date: _____

Phoned: _____ Date: _____

RR

MM 2/23/93

EXAMINER: Loren A. Sugarman

DATE: February 21, 1993

CRIMINALISTICS - PHONE 834-4510

ORANGE COUNTY SHERIFF-CORONER DEPARTMENT
FORENSIC SCIENCE SERVICES
REPORT OF EVIDENCE EXAMINATION

SUSPECT'S NAME: BYRD, Sylvan

DEPT: O.C.Sheriff

DR #: 93-4064

CRIME: Officer Involved Shooting

DATE: 1-23-93

Los Al PD #:93-155

ITEM NO.	PC/EC NO.	DESCRIBE EACH ITEM OF EVIDENCE TO BE EXAMINED
	93-01212	Springfield Armory model 1911-A1, .45 Auto pistol
		from Officer Cantu.
	93-01219	Colt Government model, .45 Auto pistol
		from Officer VanHolt.
	93-01225	1-empty Colt magazine inscribed VanHolt from scene.
	93-01222	15- .45 Auto Casings from scene.
	93-01223	Bullets and fragments from scene.
	93-01226	4- Bullets from decedent at autopsy.
	93-01220	Walther PPK/S caliber .380 Auto pistol
	93-01224	Box of Winchester 380 Auto cartridges.

REQUESTOR: R. Russell, OCSD

PHONE #:

BY: las

DATE: 1-25-93

TYPES OF EXAMINATION REQUESTED ON ABOVE ITEMS: Function. Comparison.
Powder Patterning of .45 Auto pistols.

CONCLUSIONS:

The two police .45 Auto pistols worked with no signs of malfunction. Assuming the pistols to originally be loaded to maximum capacity, eight cartridges were missing from the Colt and seven were missing from the Springfield Armory pistol. The Walther pistol was unloaded at the scene, trace residues were collected and this pistol was submitted to the Identification bureau for latent processing. The Walther pistol has not been test fired at this time.

Eight casings were identified as fired from the Colt pistol (5 from landing, 1-top step, 1-bottom step, 1-floor just inside door). Seven casings were identified as fired from the Springfield Armory pistol (6 from landing, 1-floor just inside door).

The four bullets from autopsy and four of the bullets from the scene were also identified as fired from the Colt pistol (1-carpet next to front door, 1-cabinet door above microwave oven, 1-inside microwave, through refrigerator, 1-east bedroom, through microwave). This accounts for all eight shots from the Colt pistol.

Four bullets from the scene were identified to or found to be consistent with the Springfield Armory pistol. (1-from shower in apartment #1,

ORANGE COUNTY SHERIFF-CORONER DEPARTMENT
FORENSIC SCIENCE SERVICES
REPORT OF EVIDENCE EXAMINATION

1-from kitchen drawer, 1- from in door at hole #6, 1-fragmented between door hole #5 and kitchen floor). The fragments from door hole #5, the core fragment as floor mark "B", and the jacketing fragment from the kitchen floor are consistent with being from a single bullet. This accounts for four of the seven shots from the Springfield Armory pistol. Three bullets from the scene were not recovered from the walls.

The two .45 auto pistols were test fired using the two versions of HydraShok ammunition apparently used. Slightly perceptible soot deposits were present at 2" firing distances but not noticeable at 6" distances. Powder patterns that were very dense were found at the closest distances tested (2") and broadened and diminished as the shooting distance increased. At 18" shooting distances, well defined powder residues were still present. No significant differences were observed between the two ammunition types. Results are on file at the laboratory.

EXAMINATIONS:

COLT [REDACTED]

The pistol was received unloaded with the magazine removed. A small envelope contained one "round from chamber"; six Federal HydraShok cartridges were in the magazine. Magazine capacity is seven cartridges. All seven cartridges received with the pistol were the early versions of the HydraShok ammunition produced prior to 4/90. The pistol is equipped with Pachmayr grips, the rear of the ejection port has been enlarged, the right side of the slide is engraved with [REDACTED] and [REDACTED] and the pistol has a silver colored custom finish. The pistol was test fired using the current style HydraShok ammunition (small post) for bullet recovery, and using the earlier style (large post) ammunition, received in the magazine, for powder patterning.

SPRINGFIELD ARMORY [REDACTED]

The pistol was received with the slide locked open. A small envelope containing one "round from chamber" was a Federal HydraShok cartridge. The "Colt" magazine with the pistol was empty. Magazine capacity is seven cartridges. The cartridge received with the pistol was the early version of the Federal brand HydraShok ammunition produced prior to 4/90. The blue steel finish pistol is equipped with silver colored/stainless steel grip safety lever, mainspring housing, slide lock, and magazine. The pistol was test fired using the current style HydraShok ammunition (small post) for both bullet recovery and for powder patterning.

CASINGS:

The 15 casings from the scene are all Federal brand, caliber .45 Auto, nickel plated casings. The cannellure positions of all but two are consistent with the early HydraShok ammunition. Two casings from the "landing", fired from the Springfield Armory pistol, have cannellures consistent with the newer style of HydraShok ammunition.

ORANGE COUNTY SHERIFF-CORONER DEPARTMENT
FORENSIC SCIENCE SERVICES
REPORT OF EVIDENCE EXAMINATION

BULLETS:

The bullets from the scene and the victim are all consistent with the Federal HydraShok style ammunition produced prior to 4/90. Although damage did occur to the bullets, little-to-no nose expansion was found for any of this jacketed hollow point ammunition.

WALTHER PPK/S [REDACTED]

The pistol was unloaded at the scene. The hammer had been cocked, one cartridge was in the chamber, and six cartridges were in the magazine. The magazine has a capacity for seven cartridges. All of the ammunition was Winchester caliber .380 Auto with silver tip hollow point bullets. Red fiber debris was collected from the frame and slide of the pistol. Partially burned powder debris was in the barrel indicating that the pistol had not been cleaned since last fired; additionally red and white fiber fragments were observed in the barrel interior.

Copies: OCSD, Homicide Date: 2/23/93mm CRIMINALIST: [Signature]

Loren A. Sugarman

_____ Date: _____
_____ Date: _____

Phoned: Russell _____ Date: 2-16-93

DATE: February 17, 1993

RR mm 2/23/93
me

CRIMINALISTICS - PHONE [REDACTED]

ORANGE COUNTY SHERIFF-CORONER DEPARTMENT
FORENSIC SCIENCE SERVICES
REPORT OF EVIDENCE COLLECTION AT AUTOPSY

NAME: BYRD, Sylvan Randall

DEPT: O.C.SHERIFF

DR: 93-4064

CRIME: Officer Involved Shooting DATE: 1-23-93

CORONER #:93-573ES

re:Los Al.PD #:93-155

On January 24, 1993 I attended the autopsy of Sylvan BYRD a male Caucasian, age 40, 73" tall and 216 pounds. The decedent was the victim of multiple gunshot wounds as a result of an officer involved shooting. He had been transported to the hospital from the scene. He was wearing only red shorts which had been cut. His shirt had been removed by medics at the scene.

Among those present at the autopsy were Forensic Pathologist Dr.Katsuyama, Forensic Specialist L.Raatz and Sheriff's Investigator R. Russell.

Three gunshot wounds were observed in the torso; they were in the top of the right shoulder, in the right side and in the right upper back. No significant debris was found around any of these three wounds; no soot, no powder or other debris was observed to be associated with these wounds. A penetrating gunshot wound was also observed in the left leg below the knee. The bullet was protruding from the wound on the inner aspect of the right leg. The outer aspect wound was surrounded by small debris impact marks. Fragments of white particulate debris were collected from this left leg wound. Abrasions and small debris impact marks were also in the right lower leg. A very small metal fragment and white particulate debris was collected from the right knee abrasions.

The following items of evidence were collected and later relinquished to the Sheriff's Property system:

- Hand cover bags.
- Gunshot residue sampling kit # [REDACTED]
- Hair standards.
- Red "Burmys" shorts.
- Four copper jacketed bullets:
 - three from torso
 - one from left leg.
- Metallic and white particulate debris from legs.
- Blood typing stain.

Copies: OCSD, Homicide_ Date: 2/22/93 mm
 _____ Date: _____
 _____ Date: _____
 Phoned: _____ Date: _____

EXAMINER: Loren A. Sugarman

DATE: February 18, 1993

RR mm 2/22/93

CRIMINALISTICS - PHONE 834-4510

CERTIFICATE OF DEATH

STATE OF CALIFORNIA

USE BLACK INK ONLY

STATE FILE NUMBER

LOCAL REGISTRATION DISTRICT AND CERTIFICATE NUMBER

DECEDENT PERSONAL DATA	1A. NAME OF DECEDENT—FIRST (GIVEN) SYLVAN			1B. MIDDLE RANDALL		1C. LAST (FAMILY) BYRD		2A. DATE OF DEATH—MO, DAY, YR JANUARY 23, 1993		2B. HOUR 1848		3. SEX MALE			
	4. RACE CAUCASIAN			5. HISPANIC—SPECIFY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		6. DATE OF BIRTH—MO, DAY, YR [REDACTED]		7. AGE IN YEARS 40		IF UNDER 1 YEAR MONTHS DAYS		IF UNDER 24 HOURS HOURS MINUTES			
	8. STATE OF BIRTH CA		9. CITIZEN OF WHAT COUNTRY USA		10A. FULL NAME OF FATHER SYLVAN ROY BYRD			10B. STATE OF BIRTH OK		11A. FULL MAIDEN NAME OF MOTHER KATHRYN VIVIEN ALLEN			11B. STATE OF BIRTH MO		
	12. MILITARY SERVICE 19 71 TO 19 73 <input type="checkbox"/> NONE			13. SOCIAL SECURITY NO. [REDACTED]		14. MARITAL STATUS MARRIED		15. NAME OF SURVIVING SPOUSE (IF WIFE, ENTER MAIDEN NAME) [REDACTED]							
USUAL RESIDENCE	16A. USUAL OCCUPATION FUEL TANK DRIVER			16B. USUAL KIND OF BUSINESS OR INDUSTRY FUEL TRANSPORT		16C. USUAL EMPLOYER ULTRANS TRUCKING CO		16D. YEARS IN OCCUPATION 4		17. EDUCATION—YEARS COMPLETED 16					
	18A. RESIDENCE—STREET AND NUMBER OR LOCATION 3572 HOWARD AVENUE #4							18B. CITY LOS ALAMITOS		18C. ZIP CODE 90720					
PLACE OF DEATH	19A. PLACE OF DEATH LOS ALAMITOS MEDICAL CENTER			19B. IF HOSPITAL, SPECIFY ONE: IP, ER/OP, DOA ER/OP		19C. COUNTY ORANGE		20. NAME, RELATIONSHIP, MAILING ADDRESS [REDACTED]							
	19D. STREET ADDRESS—STREET AND NUMBER OR LOCATION 3751 KATELLA					19E. CITY LOS ALAMITOS		TIME INTERVAL BETWEEN ONSET AND DEATH		22. WAS DEATH REPORTED TO CORONER REFERRAL NUMBER <input checked="" type="checkbox"/> [REDACTED] <input type="checkbox"/> NO					
CAUSE OF DEATH	21. DEATH WAS CAUSED BY: (ENTER ONLY ONE CAUSE PER LINE FOR A, B, AND C)														
	IMMEDIATE CAUSE (A) PENDING INVESTIGATION														
	DUE TO (B)							23. WAS BIOPSY PERFORMED <input type="checkbox"/> YES <input type="checkbox"/> NO							
	DUE TO (C)							24A. WAS AUTOPSY PERFORMED <input type="checkbox"/> YES <input type="checkbox"/> NO 24B. WAS IT USED IN DETERMINING CAUSE OF DEATH <input type="checkbox"/> YES <input type="checkbox"/> NO							
PHYSI- CIAN'S CERTIFI- CATION	25. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RELATED TO CAUSE GIVEN IN 21							26. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 21 OR 25. IF YES, LIST TYPE OF OPERATION AND DATE.							
	I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE DEATH OCCURRED AT THE HOUR, DATE AND PLACE STATED FROM THE CAUSES STATED. 27A. DECEDENT ATTENDED SINCE MONTH, DAY, YEAR / DECEDENT LAST SEEN ALIVE MONTH, DAY, YEAR							27B. SIGNATURE AND DEGREE OR TITLE OF CERTIFIER [REDACTED]		27C. CERTIFIER'S LICENSE NUMBER		27D. DATE SIGNED			
CORONER'S USE ONLY	I CERTIFY THAT IN MY OPINION DEATH OCCURRED AT THE HOUR, DATE AND PLACE STATED FROM THE CAUSES STATED. 29. MANNER OF DEATH—specify one: natural, accident, suicide, homicide, pending investigation or could not be determined PENDING INVESTIGATION							30A. PLACE OF INJURY		30B. INJURY AT WORK <input type="checkbox"/> YES <input type="checkbox"/> NO		30C. DATE OF INJURY MONTH, DAY, YEAR		31. HOUR	
	32. LOCATION (STREET AND NUMBER OR LOCATION AND CITY)							33. DESCRIBE HOW INJURY OCCURRED (EVENTS WHICH RESULTED IN INJURY)							
	34A. DISPOSITION(S) BU							34B. PLACE OF FINAL DISPOSITION NAME AND ADDRESS [REDACTED]		34C. DATE MO, DAY, YR 1-29-1993		35A. SIGNATURE OF EMBALMER <i>Alonso Acckie</i>		35B. LICENSE NO. [REDACTED]	
FUNERAL DIRECTOR AND LOCAL REGISTRAR	36A. NAME OF FUNERAL DIRECTOR (OR PERSON ACTING AS SUCH) [REDACTED]							36B. LICENSE NO. [REDACTED]		37. SIGNATURE OF LOCAL REGISTRAR <i>H. Lee Elling</i>		38. REGISTRATION DATE 1-28-1993		39. CENSUS TRACT 7	
	A. [REDACTED] B. [REDACTED] C. [REDACTED] D. [REDACTED] E. [REDACTED] F. [REDACTED]														

CERTIFICATE OF DEATH

STATE OF CALIFORNIA
USE BLACK INK ONLY

STATE FILE NUMBER

LOCAL REGISTRATION DISTRICT AND CERTIFICATE NUMBER

DECEDENT
PERSONAL
DATA

1A. NAME OF DECEDENT—FIRST (GIVEN)		1B. MIDDLE		1C. LAST (FAMILY)		2A. DATE OF DEATH—MO. DAY, YR		2B. HOUR		3. SEX	
				BYRD		JANUARY 23, 1993		1848		MALE	
4. RACE		5. HISPANIC—SPECIFY <input type="checkbox"/> YES <input type="checkbox"/> NO		6. DATE OF BIRTH—MO. DAY, YR		7. AGE IN YEARS		IF UNDER 1 YEAR MONTHS DAYS		IF UNDER 24 HOURS HOURS MINUTES	
8. STATE OF BIRTH		9. CITIZEN OF WHAT COUNTRY		10A. FULL NAME OF FATHER		10B. STATE OF BIRTH		11A. FULL MAIDEN NAME OF MOTHER		11B. STATE OF BIRTH	
12. MILITARY SERVICE 19__ TO 19__ <input type="checkbox"/> NONE		13. SOCIAL SECURITY NO.		14. MARITAL STATUS		15. NAME OF SURVIVING SPOUSE (IF WIFE, ENTER MAIDEN NAME)					
16A. USUAL OCCUPATION		16B. USUAL KIND OF BUSINESS OR INDUSTRY		16C. USUAL EMPLOYER		16D. YEARS IN OCCUPATION		17. EDUCATION—YEARS COMPLETED			

USUAL
RESIDENCE

18A. RESIDENCE—STREET AND NUMBER OR LOCATION			18B. CITY		18C. ZIP CODE		
18D. COUNTY		18E. NUMBER OF YEARS IN THIS COUNTY		18F. STATE OR FOREIGN COUNTRY		20. NAME, RELATIONSHIP, MAILING ADDRESS AND ZIP CODE OF INFORMANT	

PLACE
OF
DEATH

19A. PLACE OF DEATH LOS ALAMITOS MEDICAL CENTER		19B. IF HOSPITAL, SPECIFY ONE: IP, ER/OP, DOA ER/OP		19C. COUNTY ORANGE	
19D. STREET ADDRESS—STREET AND NUMBER OR LOCATION 3751 KATELLA		19E. CITY LOS ALAMITOS		TIME INTERVAL BETWEEN ONSET AND DEATH	

CAUSE
OF
DEATH

21. DEATH WAS CAUSED BY: (ENTER ONLY ONE CAUSE PER LINE FOR A, B, AND C)		22. WAS DEATH REPORTED TO CORONER REFERRAL NUMBER <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
IMMEDIATE CAUSE (A) PENDING INVESTIGATION		23. WAS BIOPSY PERFORMED <input type="checkbox"/> YES <input type="checkbox"/> NO	
DUE TO (B)		24A. WAS AUTOPSY PERFORMED <input type="checkbox"/> YES <input type="checkbox"/> NO	
DUE TO (C)		24B. WAS IT USED IN DETERMINING CAUSE OF DEATH <input type="checkbox"/> YES <input type="checkbox"/> NO	
25. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RELATED TO CAUSE GIVEN IN 21		26. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 21 OR 25. IF YES, LIST TYPE OF OPERATION AND DATE.	

PHYSI-
CIAN'S
CERTIFICA-
TION

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE DEATH OCCURRED AT THE HOUR, DATE AND PLACE STATED FROM THE CAUSES STATED.		27B. SIGNATURE AND DEGREE OR TITLE OF CERTIFIER		27C. CERTIFIER'S LICENSE NUMBER		27D. DATE SIGNED	
27A. DECEDENT ATTENDED SINCE MONTH, DAY, YEAR		DECEDENT LAST SEEN ALIVE MONTH, DAY, YEAR		27E. TYPE ATTENDING PHYSICIAN'S NAME AND ADDRESS			

CORONER'S
USE
ONLY

I CERTIFY THAT IN MY OPINION DEATH OCCURRED AT THE HOUR, DATE AND PLACE STATED FROM THE CAUSES STATED.		28A. SIGNATURE AND TITLE OF CORONER OR DEPUTY CORONER BRAD GATES SHERIFF-CORONER BY: <i>[Signature]</i>		28B. DATE SIGNED DEPUTY CORONER 01-25-93	
29. MANNER OF DEATH—specify one: natural, accident, suicide, homicide, pending investigation or could not be determined PENDING INVESTIGATION		30A. PLACE OF INJURY		30B. INJURY AT WORK <input type="checkbox"/> YES <input type="checkbox"/> NO	
32. LOCATION (STREET AND NUMBER OR LOCATION AND CITY)		33. DESCRIBE HOW INJURY OCCURRED (EVENTS WHICH RESULTED IN INJURY)			

FUNERAL
DIRECTOR
AND
LOCAL
REGISTRAR

34A. DISPOSITION(S)		34B. PLACE OF FINAL DISPOSITION—NAME AND ADDRESS		34C. DATE MO. DAY, YR.		35A. SIGNATURE OF EMBALMER		35B. LICENSE NO.	
36A. NAME OF FUNERAL DIRECTOR (OR PERSON ACTING AS SUCH)		36B. LICENSE NO.		37. SIGNATURE OF LOCAL REGISTRAR		38. REGISTRATION DATE			

STATE
REGISTRAR

A.		B.		C.		D.		E.		F.		CENSUS TRACT	
----	--	----	--	----	--	----	--	----	--	----	--	--------------	--



BRAD GATES
SHERIFF-CORONER

ORANGE COUNTY
SHERIFF-CORONER
DEPARTMENT

Deputy
LORENCE J. ESSLINGER
Investigator
Coroner Division

93-00573 ES

1071 W. SANTA ANA BLVD . SANTA ANA, CA 92703 . ([REDACTED])

1. Work @ Scene M JOHNSON #11 @ Post _____
2. Time @ Scene L. ARMAN @ Post _____
3. Number Of Polaroid(s) Submitted 6 By ES
4. S.A. # _____ Location Taken At _____ By _____
5. Physical Evidence Taken - By _____
6. Other Evidence _____
7. Position _____
8. Food & Tox. Taken YES Disposition _____
9. Fingerprints Taken YES By _____
10. Identified By WIFE @ SCENE & HOSP.

NEXT OF KIN

11. Reported By B. RUSSELL (OC SO) Date 01.23.93 Time 2:00

12. Billing Party _____

13. Address _____

WITNESS/INFORMANTS

14. Name _____

15. Address _____

16. Phone _____

PROPERTY ☐ YES ☒ NO

17. Disposition: ☐ NOK ☐ Mortuary ☐ FSC Safe

18. Other _____

19. Relationship _____

P.A.

20. Date Reported _____ P.A./Investigator _____

21. A. Custody Of Property: ☐ Yes ☐ No

REPORTS

22. Created _____ Signed _____

GENERAL COMMENTS & NOTES

CIRCS

OFF. KELLEY #080 @ HOSP. 2035
NO CLOTHING @ ER. EXCEPT @ SHORTS.
OFF. ELLISON 9800 ALSO PRES. @ HOSP.

① WEAPON PER SIDGOTHAM .380 PPK STAINLESS.

PD W/415 CALL @ 1741
998 1748

OFFS. INVOLVED ON DUTY WEAPONS BOTH
CPL. VIC CANTU .45 CAL AUTO
OFF. MARK VAN HOLT HYDROSHOCK
FIRED APPROX 15 ROUNDS AMMO

SHERIFF-CORONER DEPARTMENT COUNTY OF ORANGE, CALIFORNIA INVESTIGATOR'S CASE NOTE



Case No. 93-00573ES ☐ Dictate
Investigator ESSLINGER Reviewed By _____
Billing: ☐ YES ☒ NO

HOMICIDE O.I.D. CLASSIFICATION

☐ Natural - A ☒ Homicide ☐ Accident ☒ Officer Involved
☐ Natural - NA ☐ Suicide ☐ SIDS ☐ In Custody
☐ Natural - Dual ☐ Traffic ☐ Undetermined ☐ Refer to PA
☐ Consult Donor: ☐ Approached ☐ Declined ☐ Cornea ☐ Other

Decedent's Name BYRD SYLVAN RANDALL

AKA: _____

Address 3572 HOWARD AVE. APT. 4

City LOS ALAMITOS CA 90720

Telephone 310-598-6621 Age 40 DOB [REDACTED]

Sex M Race CAUC Ht _____ Wt _____ Hair BROWN Eyes Hazel

☒ Married ☐ Divorced ☐ Never Married ☐ Widowed ☐ Children

Clothing RED SHORTS

Occupation TRUCK DRIVER S.S. # _____

Date Of Death 01.23.93 Time 1848 Day SATURDAY

Place Of Death LOS ALAMITOS MEDICAL CTR.

3751 KATELLA AVE. LOS ALAMITOS CA 90720

Hospital: ☐ IP ☒ ER/OP ☐ DOA

Pronounced By DR. T. BLUSH

Call Received From A. SMITH Time 1855

Date 01.23.93 10-8 2010 10-97 2032 10-98 2216

Place Received FSC

FSC SMS Mortuary P

Requested By _____ Relationship _____

Trans. Called 2100 Trans. Arrived 2135

Autopsy: ☐ No ☒ Coroner ☐ Private ☒ Tox ☐ Cultures ☒ SO-ID

MD Cause of Death _____

Per MD _____ Lic No: _____

Investigator _____ Date _____

PRELIMINA EXAMINATION OF BODY

Where Made E.R. BEL A Time 2050
 Position Of Body SUPINE
 Rigor NO Extent _____
 Lividity YES Extent AS POST. BLANCHE W/ MIN PRES.
 Cyanosis NO Extent _____
 Tattoos NONE OBSERVED

Body Temperature WARM Viewable: ☒ I.D. ☒ Service ☐ No
 Trauma (describe) GSW TOP RT. SHOULDER, GSW UNDER RT. ARM PIT, 2 GSW LFT. LOWER LEG W/ PROJECT. PROTRUDING
 Other FROM ONE, ABRAS RT + LFT KNEES, RT LOWER LEG, ABRAS
 Scars RT FOREARM, CUFF MARKS LEFT + RIGHT WRISTS

MEDICAL HISTORY M.D. Lic. # _____
 Attending Physician _____ Last Visit _____
 Address _____
 City _____ Telephone _____
 Treated For _____

Meds _____
 Type Of Operation NONE PER R.N.
 Date _____

Admitted Date 01-23-93 Time 1820
 Brought In By PM'S From SCENE
 Address 3572 HOWARD AVE. LOS ALAMITOS
 Examined By DR. T. BLUSH
 Complaints UNRESPONSIVE

Admitting DX: TRAMATIC FULL ARREST, GSW RT SHOULDER AREA
 Transfused ☐ Yes ☒ No B.A. Level _____
 A.M. Blood ☐ Yes ☒ No Date _____ Time _____
 Rec. From _____

ACCIDENTAL DEATH

☐ TRAFFIC ☐ INDUSTRIAL ☐ OTHER

Type Of Accident _____
 Place _____
 Date _____ Time _____
 Type Of Vehicle _____ License _____
 Tow Company _____
 Decedent: Driver _____ Psg'r _____ Pedestrian _____
 Restraints ☐ Yes ☐ No ☐ Unk Helmet(s) ☐ Yes ☐ No ☐ Unk
 Travel Direction _____ on _____
 Position In Vehicle _____ Ejected ☐ Yes ☐ No
 Other Vehicle, Describe _____
 Travel Direction _____ on _____
 Number Of Persons In Decedent's Vehicle _____ Other Vehicle _____
 OSHA Notified ☐ Yes ☐ No Date _____ Time _____
 Name _____

REPORT DATE

Police Agency LOS ALAMITOS P.D. Time PD Called 1741
 Officer _____ File No. 93-0155
 Investigator SGT. SIDEBOTHAM/B RUSSELL Charges ☐ Yes ☐ No
 SIOS: Health Dept. Notified By _____ Date _____ Time _____
 C.A.B. Notified ☐ Yes ☐ No Record _____
 Name MARK JAW HOLT Date 1/24/93 Time 1915
 C.D.C. Notified J BEISNER Date 01-23-93 Time 1915
 D.A. Notified _____ Date _____ Time _____
 SUICIDE ☐ HOMICIDE ☒
 Type OFFICER INVOLVED SHOOTING
 Place 3572 HOWARD AVE. LOS ALAMITOS
 Date 01-23-93 Time 1748
 Weapon .45 CAL DUTY WEAPONS Dispo OCSO PROP
 Ser. No. _____ ☐ No Wants _____
 Registered Owner _____
 Suicide Note ☐ Yes ☐ No Dispo _____
 OFF'S _____
 Suspect Name CPL. VIC CAI In Custody _____
 OFF. MARK JAW HOLT

SCENE E.R. BED #A. ① IS LYING PINE ON HOSP. GURNEY. ② IS DRESSED AS DESCRIBED. BACKBOARD AND MAST SUIT PRES ON ①. ET PRESENT IN MOUTH, EKG PADS PRESENT ON CHEST, CHEST TUBE PRESENT IN RT CHEST, I.V. LINES IN ② ACF, IV TOP OF LEFT HAND, PUNC WOUND LEFT ACF

CIRCUMSTANCES

REC. CALL FROM R.N. REPORTING A DEATH DUE A OFFICER INVOLVED SHOOTING
 PER SGT. SIDEBOTHAM

RESIDENT NEIGHBORS HEAR DISTURBANCE GOING ON AT ① APARTMENT. 2 ON DUTY LOS ALAMITOS POLICE OFFICERS RESPOND TO THE RES. AND KNOCK ON DOOR. ① OPENS DOOR W/ GUN IN ① HAND. OFFS. ORDER ① TO DROP WEAPON. ① MAKES MOVEMENT TOWARDS OFFS. AND OFFS. SHOOT ① 911 → PM'S → ER → PRONOUNCED.

HANDS BAGGED 2115 BY ES. BODY BAGGED AND TRANSPORTED 2150 WRS. TO FSC FOR EXAM NO WORK @ HOSP BY CRIM OR I.D.



SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE

BRAD GATES
SHERIFF-CORONER

PRELIMINARY
AUTOPSY REPORT

PLEASE PRINT

93-00573-ES

YR. SYLVAN

1-23-93 1848

PLACE OF DEATH: Los Alamitos Med. Cntr
AGE: 40 SEX: M RACE: cauc HEIGHT: 73 WEIGHT: 216
PROBABLE DATE/HOUR OF DEATH: 1-23-93 1848 DATE OF AUTOPSY: 1/24/93
AUTOPSY STARTED: 800 AUTOPSY COMPLETED: 1045 ☒ FRESH ☐ EMBALMED

OPINION AS TO CAUSE OF DEATH:

22. DEATH WAS CAUSED BY:
IMMEDIATE CAUSE

(ENTER ONLY ONE CAUSE PER LINE FOR A, B, AND C)

CONDITIONS, IF ANY,
WHICH GAVE RISE TO
THE IMMEDIATE CAUSE,
STATING THE UNDER-
LYING CAUSE LAST.

- (A) Exsanguination miss penicillin
(B) lacerations liver, mesenteric & left
(C) gunshot wounds R torso (chest) artery
intestine

23. OTHER CONDITIONS CONTRIBUTING BUT NOT RELATED TO THE IMMEDIATE CAUSE OF DEATH

COMMENTS: 930573 1-23-93 22:42 216 lb

TOXICOLOGY/EVIDENCE RETAINED

- ☒ HEART BLOOD
☒ BRAIN
☒ LIVER
☒ STOMACH CONTENT
☒ URINE
☐ VITREOUS

- ☐ NASAL SWABS
☐ T-BLOOD
☐ S BLOOD
☐ SPLEEN
☐ LIGATURE(S)
☐ PROJECTILE(S)

☐ O.C.H. VIRAL

- ☐ _____
☐ _____
☐ _____
☐ _____

AWC DR
FORENSIC ASSISTANT(S)

Adams
PATHOLOGIST

M.D.

CRIME LAB EVIDENCE RETAINED

- ☐ TRACE EVIDENCE
☒ HAIR STANDARD
☐ SEXUAL ASSAULT SWABS
☐ G.S.R. KIT
☒ CLOTHING

- ☒ BLOOD STANDARD
☐ WOUND(S)
☐ DEEP MUSCLE
☐ BONE MARROW
☒ PROJECTILE(S)

- ☐ _____
☐ _____
☐ _____
☐ _____

1-24
DATE

TIME

Brad A. Gates
CRIMINALIST/SPECIALIST

B

extra copy

ORANGE COUNTY SHERIFF-CORONER
1071 W. SANTA ANA BLVD.
SANTA ANA, CA 92703

D GATES, SHERIFF-CORONER

AUTOPSY RECORD

Name of Deceased: BYRD, Sylvan Randall

Case No. 93-00573-ES

RESIDENCE: 3572 Howard Avenue #4
CITY: Los Alamitos

STATE: CA 90720

AGE: 40 years

SEX: Male

RACE: White

PLACE OF DEATH: Los Alamitos Medical Center
3751 Katella
Los Alamitos, CA 90702

DATE OF DEATH: 01-23-93

TIME OF DEATH: 1848 hrs.

CAUSE OF DEATH: PENDING (inv)

OTHER COND.:

ADMITTING DX:

AUTOPSY DATE: 01-24-93

AUTOPSY TIME: 0800 hrs.

PLACE OF AUTOPSY: Sheriff-Coroner Forensic Science Center
1071 W. Santa Ana Blvd.
Santa Ana, CA 92703

AUTOPSY ATTENDANCE: A. Leckie, OCCO; D. Ralsten, OCCO; L. Raatz, OCSD;
L. Sugarman, OCSD; R. Russell, OCSD; R. Fukumoto, OCCO

Date D.C. ISSUED 01-25-93

CLASSIFICATION: Pending

Senior Pathologist Witness


David M. Katsuyama, M.D.
Autopsy Surgeon

BRAD GATES, SHERIFF-CORONER

AUTOPSY RECORD

BYRD, Sylvan Randall

93-00573-ES

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IDENTIFICATION: The body is received in a white plastic body bag with Coroner's identification tag attached to the zipper indicating the enclosed remains to be that of SYLVAN BYRD, Case No. 93-00573-ES. A Coroner's seal is present across the zipper tab also.

EXTERNAL APPEARANCE: The enclosed remains are that of a well developed, well nourished male appearing the stated age of 40 years, whose body length is 73 inches and body weight of 216 pounds. Medical appurtenances on the body include an endotracheal tube in the mouth to the left of midline, held in place by a blue and white plastic device, electrode pads: one over the tip of the right shoulder, another slightly lower on the left shoulder area, another on the left lateral chest in the posterior axillary line with a large circular and trapezoidal electrode pad about 7 to 8 inches in maximum dimension on the mid-anterior portion of the chest attached by red wire to another white wire to another apparent pad in back of the torso. There is a tube in place in the right side of the chest in the anterior axillary line. Both hands are bagged in brown paper bags with tape closing it at the wrists. There is a yellow hospital band around the right ankle. Coroner's identification tags are attached to both large toes.

The only clothing on the body is a pair of red shorts cut away on the left side.

Underneath the brown paper bags on the hands, there is an IV device on the dorsum of the left hand. The fingertips and the nailbeds show congestion and some cyanosis. Large electrode pads are attached together by wire are present on back of the chest to the left of midline with another slightly lower on the left side. There is a moderate amount of blood that has flowed from areas of injury onto skin surfaces. These areas will be subsequently described.

The hair is dark brown, is somewhat graying at the roots and gray strands interspersed. The eyes show congestion of the conjunctivae. The irides appear somewhat hazel. The pupils are round, relatively equal, markedly dilated. The nose shows no significant abnormality. The dentition appears in relatively good condition. There is stubble of beard, sideburns and mustache almost 1/16 of an inch in length. The ears show no significant abnormality. There is a small line-like mark almost within the hairline on the left forehead, beginning about 3/4 inch from the lateral margin of the eyebrow into the hairline, about 1-1/2 inches in length. There is discoloration on the left posterior cheek area below the earlobe, about 1/4 inch in maximum dimension. The neck shows no obvious scars or other trauma. The arms show a small area of abrasion on the dorsum of the left hand at the knuckle of the middle finger, about 1/8 inch in maximum dimension. There is a small area of discoloration, superficial disruption of the skin, about 2-1/2 inches proximal


David M. Katsuyama, M.D.
Autopsy Surgeon

ORANGE COUNTY SHERIFF-CORONER
1071 W. SANTA ANA BLVD.
SANTA ANA, CA 92703

BRAD GATES, SHERIFF-CORONER

AUTOPSY RECORD

BYRD, Sylvan Randall

93-00573-ES

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from the olecranon on the left, about 3/4 inch in maximum dimension with tags on the posterior aspect of this disruption. Small areas of discoloration, slightly over 1/16 of an inch in diameter are present, about 5 inches distal from the olecranon. The right arm shows areas of abrasion suggestive of brush-like fashion in two general areas, about 3-1/2 to 4 inches proximal from the olecranon and slightly closer to the olecranon. These areas are up to 1-1/4 inches in maximum dimension. On the dorsum of the arm, about 5 inches proximal from the wrist is an area of reddish-purple discolorations, superficial about 1/8 by 1/4 inch and more closer to the wrist is another yellowish abraded area about 1/8 by 1/4 inch. The anterior chest shows no obvious signs of scarring or trauma. The chest tube is in place in the right anterior axillary line, about 1-3/4 inches below the level of the right nipple. The abdomen is somewhat rounded, somewhat tense. The external genitalia are male. The testes are descended in the scrotum. Both legs show disruption, some consistent with bullet wounds, other more suggestive of secondary debris. These will be further described subsequently.

On the right leg above the kneecap area, is an area of apparent grazing of a bullet type object, leaving a graze mark about 5/16 of an inch in width over a length about 2-1/4 in maximum length with a tag on the inferior medial aspect of this portion. Several tiny flecks of material are present in this area. About 3/8 of an inch or more medially at the inferior end, there is an area of discoloration somewhat irregular, somewhat curved in portions over an area about 1/2 by 5/16 of an inch with tiny flecks of debris on the surface. There is a line-like mark about 3/8 of an inch in maximum length, slightly over 1/16 of an inch in width parallel to the larger, previously described, grazed mark. This latter small line is about 1-1/2 inches away from the grazed disruption previously described. On the midportion of the right shin are several irregular areas of reddish discoloration. The upper most larger than the other two. The upper most portion of this area is about 12 inches from the heel. This area covers about 2-1/2 inches in maximum length, is up to almost 3/4 inch in width with the areas of abrasion showing tags on the inferior aspects in most of these portions.

The left leg shows an irregular opening located about 16 inches from the heel with the opening pointing into an area on the medial aspect, slightly lower, about 14-1/4 inch from the heel, a somewhat triangular disruption through which a portion of projectile is clearly visible.

Around the entrance site on the lateral aspect, there is debris abrasion/discolorations over an area about 2-1/2 inches in an up and down direction and up to 2-1/4 inches from side to side with these areas of disruption.


David M. Katsuyama, M.D.
Autopsy Surgeon

ORANGE COUNTY SHERIFF-CORONER
1071 W. SANTA ANA BLVD.
SANTA ANA, CA 92703

BRAD GATES, SHERIFF-CORONER

AUTOPSY RECORD

BYRD, Sylvan Randall

93-00573-ES
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On the right side of the trunk, above the upper aspect of the right shoulder blade, is a somewhat oval entrance wound almost 1/2 inch in diameter which points in a downward direction, slightly forward and slightly medially. Underneath the right arm, about 5 inches behind the positioning of the chest tube is another somewhat oval discoloration/disruption of an entrance wound pointing in a downward direction from the right side toward the left. This opening is about 20 to 21-1/2 inches from the top of the head in the posterior axillary line. There is another somewhat oval entrance wound on the upper portion of the right shoulder blade area, about 14 inches from the top of the head, 6 inches to the right of midline also pointing in a downward direction. This is one is in a more forward direction. No obvious satellite disruptions in these areas are encountered as with the peculiar areas of abrasion on the legs and the gunshot disruption on the knee area.

From the posterior face of the scrotum to the right heel is approximately 33 inches from the same location to the left heel is 32 inches. From the horizontal front crease on both buttocks to each heel is approximately 29 inches.

INTERNAL EXAMINATION: The usual Y-shaped incision is employed. There is diffuse hemorrhage in the lateral aspect of the connective tissue and musculature overlying the right ribcage. No gross hemorrhage into the substance overlying the left ribcage or in the anterior abdominal wall is encountered. There is over 400 cc. of blood in the right pleural space. There is over 1000 cc. of blood, most of which is clotted in the abdominal space. No significant blood or fluid in the pleural or pericardial space is encountered.

CARDIOVASCULAR SYSTEM: The heart weighs 390 gm. and lies within a smooth pericardial sac. The epicardial and endocardial surfaces are smooth and glistening. The coronary arteries arise in their usual location, take their usual courses and show no significant sclerosis or narrowing. The cut surfaces of the myocardium show no obvious old, recent or fresh infarct. The valve appearances and sizes are normal. The aorta shows no significant atherosclerosis. There is disruption of the left iliac artery on its lateral aspect. There is extensive diffuse hemorrhage into the immediate adjacent connective tissue.

RESPIRATORY SYSTEM: The tongue is grossly normal. The larynx and tracheo-bronchial tree show no significant abnormality. The right lung weighs 470 gm. and shows through-and-through disruption of the lateral aspect of the right upper and middle lobe. No significant abnormalities are encountered in the right lower lobe or in the left lung, which weighs 340 gm. No obvious consolidation or abscess is encountered. No significant emphysema or fibrosis is encountered. The pulmonary vessels are grossly normal.


David M. Katsuyama, M.D.
Autopsy Surgeon

BRAD GATES, SHERIFF-CORONER

AUTOPSY RECORD

BYRD, Sylvan Randall

93-00573-ES

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GASTROINTESTINAL SYSTEM: The esophagus is grossly normal. The stomach is empty of contents but is somewhat distended with gas. The small bowel shows no obvious disruptions; however, extensive disruption of the mesentery especially close to the terminal ileum is encountered. The appendix has been disrupted by one of the bullets which is recovered in the immediately adjacent area. Behind the ascending colon, near the hepatic flexure is recovered another bullet. Both of these bullets are of large caliber, almost 7/16 inch in diameter and almost 5/8 to 3/4 inch in maximum length and shows very minimal deformity of the nose. The colon shows no significant additional abnormality.

HEPATIC SYSTEM: The liver weighs 2350 gm. Multiple sections reveal a pale, decongested yellow-brown substance. There are two disruption tracks in the substance from the superior aspect to the inferior medial aspect. No significant accentuation of the lobular pattern or increase in fibrous components is encountered. The gallbladder and extrahepatic biliary tract are otherwise unremarkable.

PANCREAS: The pancreas has the usual lobular yellow-tan appearance and shows no gross evidence of fibrosis, abscess, calcification or saponification.

ENDOCRINE SYSTEM: The adrenals show no gross abnormality in appearance, size or location. The thyroid gland is not grossly enlarged, has the usual glistening pinkish-tan appearance. The parathyroid glands are not grossly enlarged.

HEMIC AND LYMPHATIC SYSTEM: The spleen weighs 230 gm. Multiple sections reveal a congested red-purple substance. Lymph nodes of the chest and abdomen are not obviously enlarged. Marrow spaces appear grossly normal.

UROGENITAL SYSTEM: The right kidney weighs 150 gm.; the left, 150 gm. Multiple sections reveal easily stripped capsules overlying smooth surfaced cortices averaging 3/16 inch in thickness. The ureters and urinary bladder are grossly normal. There is about 150 cc. of urine present. The prostate is not grossly enlarged, has the usual fibronodular appearance. The testes are descended in the scrotum. There is diffuse hemorrhage in the connective tissue lateral from the left side of the urinary bladder.

MUSCULOSKELETAL SYSTEM: The musculature is that of an adult. In the left side of the pelvis is recovered a large caliber bullet of similar appearance to the previous recovered bullets including the one in the left knee area. There is disruption of the right 3rd rib and right 9th and 10th ribs, also. No gross abnormalities of the cervical, thoracic and lumbar spine on the right side of the pelvis is encountered.


David M. Katsuyama, M.D.
Autopsy Surgeon

ORANGE COUNTY SHERIFF-CORONER
1071 W. SANTA ANA BLVD.
SANTA ANA, CA 92703

BRAD GATES, SHERIFF-CORONER

AUTOPSY RECORD

BYRD, Sylvan Randall

93-00573-ES
Page 6

CENTRAL NERVOUS SYSTEM: The scalp, calvarium and dura are free of abnormality. There is no epidural, subdural or subarachnoid hemorrhage. The brain weighs 1630 gm. Arteries at the base have the usual distribution, show no significant sclerosis or narrowing. Multiple sections through cerebrum, cerebellum, midbrain and pons show no gross evidence of hemorrhage, infarct or neoplasm. The ventricular system is normal in size.

SPINAL CORD: The spinal cord is removed via the anterior approach. No gross abnormalities over the vertebral bodies are encountered. No gross hemorrhage into the subdural, subarachnoid or subepidural spaces are encountered. The closed portion of the spinal cord shows no significant abnormality.

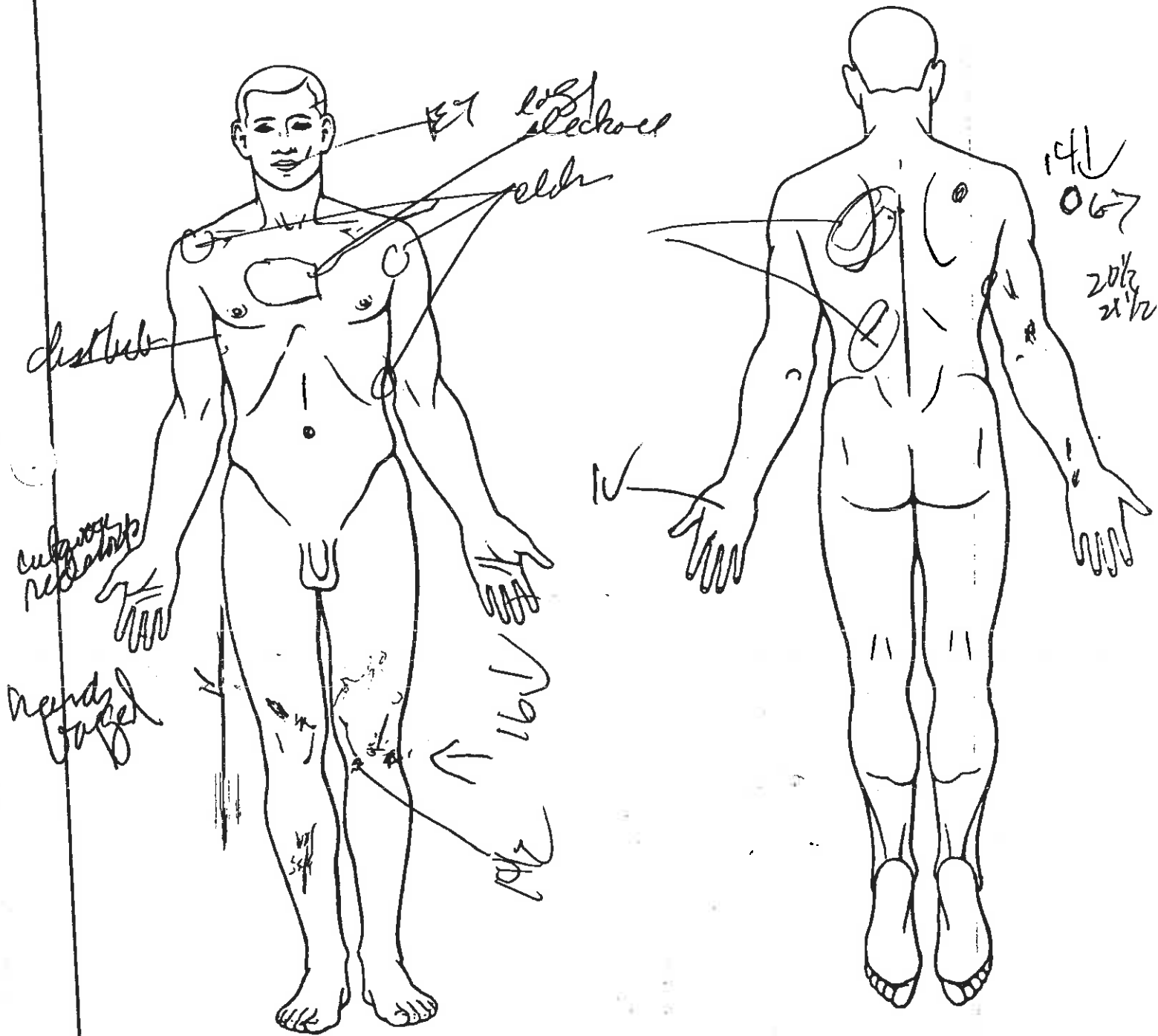
COUNTY OF ORANGE

AUTOPSY RECORD

2-00573-ES

Y S, SYLVAN

1-23-93 1843



M.D.

SS

OFFICE OF THE CORONER
ORANGE COUNTY, CALIFORNIA
REPORT OF TOXICOLOGICAL EXAMINATION

INVESTIGATOR: ESSLINGER/KATSUYAMA

CASE NUMBER: 93-00573 ES

NAME OF DECEASED: BYRD, Sylvan

AGE: 40

SEX: Male

SPECIMENS SUBMITTED: Postmortem Blood, Brain, Liver, Urine, Stomach
Contents, Vitreous Humor, Right Chest Blood

BLOOD RECEIVED BY: Fung

FROM: FSC Refrigerator

TISSUE RECEIVED BY: Osuna

FROM: Freezer

Replicate samples of postmortem blood were analyzed for ethanol and other common volatiles employing a headspace gas chromatographic method. Ethanol was detected in the concentration of 0.11%.

ECK - 1/28/93

TRAUGHBER - 1/28/93

Replicate samples of brain were analyzed for ethanol and other common volatiles employing a headspace gas chromatographic method. Ethanol was detected in the concentration of 0.11%.

MATSUDAIRA - 2/11/93

ECK - 2/11/93

Samples of postmortem blood were screened for barbiturates, cocaine, methamphetamine, opiates, and related compounds by RIA. None were detected.

FORBES - 1/27/93

A two milliliter sample of postmortem blood was screened for basic drugs by nitrogen phosphorous gas chromatography. None were detected.

STANFORD - 2/8/93

Samples of urine were screened for sugar, "ketone bodies", and ethchlorvynol. None were detected.

STANFORD - 2/3/93

A 25 gram sample of liver was screened for neutral and basic drugs by ultraviolet spectroscopy and thin layer chromatography. No significant findings.

STANFORD - 2/9/93

Samples of homogenized stomach contents were screened for acidic, neutral, and basic drugs by ultraviolet spectroscopy and thin layer chromatography. No significant findings.

STANFORD - 2/9/93

Date typed: February 19, 1993

Mary Jane Stanford
Toxicologist

ORANGE COUNTY SHERIFF-CORONER
1071 W. SANTA ANA BLVD.
SANTA ANA, CA 92703

BRAD GATES, SHERIFF-CORONER

HISTOLOGY REPORT

BYRD, Sylvan

93-00573-ES

MICROSCOPIC EXAMINATION

Sections of lung show areas of disruption and hemorrhage.

Sections of heart show no significant lesion.

Sections of liver show extensive areas of disruption with moderate fatty changes.

Sections of spleen show a decongested substance.

Sections of thyroid show no significant lesion.

Sections of kidney show no significant lesion.

Sections of cerebrum, cerebellum and spinal cord show normal architecture.

03-10-93/3710u/1a


David M. Katsuyama, M.D.
Autopsy Surgeon

ORANGE COUNTY SHERIFF-CORONER
1071 W. SANTA ANA BLVD.
SANTA ANA, CA 92703

0 2-1-1-1-1
ES

BRAD GATES, SHERIFF-CORONER

HISTOLOGY REPORT

BYRD, Sylvan

93-00573-ES

COPY

MICROSCOPIC EXAMINATION

Sections of lung show areas of disruption and hemorrhage.

Sections of heart show no significant lesion.

Sections of liver show extensive areas of disruption with moderate fatty changes.

Sections of spleen show a decongested substance.

Sections of thyroid show no significant lesion.

Sections of kidney show no significant lesion.

Sections of cerebrum, cerebellum and spinal cord show normal architecture.

RESULT SUMMARY

~~192~~ C93-573-ES

Byrd, Sylvan

VOLATILES PM 0.11% / Brain 0.11%

RIA PM neg

GC/MS

MORPH

COO

COC

BE

BLOOD

BRAIN

LIVER

HPD SCREEN

none detected

URINE SCREEN all neg

LIVER SCREEN

NEUTRALS

BASES

WEAK/STRONG ACIDS

} N.S.

STOMACH CONTENTS

ACIDS

NEUTRALS

BASES

} N.S.

QUANTITATIONS/CONFIRMATIONS

FACILITY HISTORY

Case # 93-00573 ESName BYRD, SYLVAN RANDALL
(LAST) (FIRST) (INITIAL)Age 40 Sex M Race CAUCASIAN Ht 73" Wt 216 lbDOD [REDACTED] Time 1848Place of Death LOS ALAMITOS MED CTR. 3751 KATELLA AVE. LOS ALAMITOSClassification HOMICIDE Type OFFICER INVOLVEDReceived by: D. Thon Date 1-23-93 Time 22:42Comments: LOS ALAMITOS RESPOND TO DISTURBANCE CALL.(D) TO DOOR w/ GUN AND SHOT BY ON-DUTY
POLICE OFFICERSLegal Next of Kin (if known) ELLEEN Relationship WIFEMortuary Selection: P'

Clothing

☒ Yes
☐ No☐ Release
☒ Hold

Personal Property

☐ Yes ☐ Release
☒ No ☐ Hold

INSTRUCTIONS

- ☒ Criminal case (specify)
☒ Do not remove seal or open bag
☐ Contagious (specify)
☐ Contaminated (specify)
☒ OK to undress
☐ Cornea donor
☐ Eye VIT
☒ Autopsy, fresh
☒ Take tox
☒ Blood for typing
☐ Embalm after post

ID
☒ Print
☒ Palm prints
☐ Foot prints

X-ray
☐ Fluoroscan, chart
☐ X-ray, PRN
☒ X-ray, full body
☐ X-ray, dental

Agency PD/SO LOS ALAMITOS P.D.Agency DR# 93-155

SMS

HOMICIDE**48 HOUR HOLD****O.I.D.****OCSD FR# 93-40877**Conference date 01-24-93 Time 0800

Notification to be made:

<input type="checkbox"/> Coroner	notified on	at	by
<input checked="" type="checkbox"/> ID <u>GREG</u>	notified on <u>1-23-93</u>	at <u>23:35</u>	by <u>DT</u>
<input checked="" type="checkbox"/> Crim <u>WIC</u>	notified on <u>1-24-93</u>	at <u>0653</u>	by <u>pm</u>
<input checked="" type="checkbox"/> PD/SO <u>WIC</u>	notified on <u>1-24-93</u>	at <u>0654</u>	by <u>pm</u>
<input checked="" type="checkbox"/> DA <u>NONE NEEDED PER SGT. SIDBOTHAM</u>	notified on <u>1-23-93</u>	at <u>2206</u>	by <u>ES</u>
<input checked="" type="checkbox"/> Other <u>LOS ALAM, PDS Byrd</u>	notified on <u>1-24-93</u>	at <u>0656</u>	by <u>pm</u>

Embalmer Alonzo Leckie # 6008☒ 48 hour hold ☒ Post embalming photos completed BPJ on 1-26-93 at 21:00

Release authorized by _____ on _____ at _____

A

HISTOLOGY RECORD

93-00573-ES

RYRD, SYLVAN
40 M

DATE OF AUTOPSY: 1/28/93

DATE TISSUE CUT: 2/21/93

BY: [Signature]

NUMBER OF CASSETTES MADE: 3

DATE TO LAB: _____ BY: _____

NUMBER OF BLOCKS MADE: 3

DATE: 2/26/93 BY: KMB

DATE SLIDES PREPARED: 2/27/93 BY: KMB

NUMBER OF SLIDES MADE: 3 H & E BY: KMB

NUMBER OF SPECIAL STAINS: _____ BY: _____

DATE READ: _____ BY: _____

PRELIMINARY REPORT OF MICROSCOPIC EXAMINATION

off involving 95W

OPINION AS TO CAUSE OF DEATH:

no change in COP

DATE OF THIS REPORT: 3/1/93

PATHOLOGIST: [Signature] M.D.

DATE RETURNED TO F.S.C. MAR 6 1993 BY: D.M.K.

NUMBER OF SLIDES RETURNED: 3 CHECKED BY: [Signature]

NUMBER OF BLOCKS RETURNED: 3 CHECKED BY: [Signature]

DATE FILED: MAR 6 1993 BY: [Signature]

REMARKS: _____

G

CASE NOTES

DATE

PAGE #

CASE # 93-00573ES

01-23-93

1905 SPOKE W/ LOS AL DISPATCH D. LETCHER WHO INFORMED
CT OF TIME OF CALL, DR #, AND OFF. HANDLING
TRANSFERRED TO OFF. DE LEON WHO CONFIRMED THAT
IT WAS AN OFFICER-INVOLVED SHOOTING. DELEON
STATED THAT SGT. JESSEN IS INTERVIEWING ^(P)
WIFE. ~~AND~~ ^(P) LEFT MESS W/ DELEON TO HAVE SGT.
JESSEN NOTIFY WIFE OF DEATH AND CALL FSC
WHEN HE HAS DONE SO.

(ES)

1915

CONTACTED J. BEISNER AND INFORMED OF SITUATION
BEISNER WILL NOTIFY OCSD. ^(P)

1940 LT. MENDEZ W/C ^(P) WILL STATED THAT CRIM, & I.D.
ARE EN ROUTE TO SCENE. SGT. SIDEBOTHAM ALSO
TO SCENE.

1950 SGT. SIDEBOTHAM CONTACTS FSC TO NOTIFY AND
INFORM OF ADDRESS.

(P)

5 PER SGT. JESSEN LAPD OK TO BAG ^(P) I.D. & CRIM
WILL NOT BE GOING TO HOSP TO DO WORK.

SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CORONER'S TOXICOLOGY REQUEST

DATE OF REQUEST 01.24.93
INVESTIGATOR ESSLINGER PATHOLOGIST KATSUYAMA YRD. SYLVAN
DATE OF DEATH 01.23.93 TIME OF DEATH 1848
DATE OF AUTOPSY 01.24.93 TIME OF AUTOPSY 0800
AGE 40 SEX MALE HEIGHT 73" WEIGHT 216 lbs

TENTATIVE CLASSIFICATION

- ☐ NATURAL ☒ HOMICIDE ☐ TRAFFIC ☐ DRIVER ☐ PASSENGER ☐ PEDESTRIAN
☐ ACCIDENT ☐ DRUG OVERDOSE
☐ SUICIDE ☐ DRUG RELATED

CASE HISTORY

- ☐ CHARGES PENDING ☐ STATE HOSPITAL ☐ PENDING TOX
☐ IN CUSTODY ☐ INDUSTRIAL ACCIDENT ☐ SIDS
☒ DATE/TIME OF INCIDENT LEADING TO DEATH: 01.23.93 / 1748

CIRCUMSTANCES OF DEATH:

① SHOT BY ON-DUTY POLICE OFFICERS

MEDICAL INFORMATION

- ☒ HOSPITALIZED - DATE/TIME ADMITTED 01.23.93 / 1820 ☒ RECORDS AVAILABLE
☐ LIST OF MEDS IN HOSPITAL ATTACHED
☐ OTHER MEDS IF YES, ☐ DRUG WORKSHEET ATTACHED ☐ MEDS IN PROPERTY
☐ ANTE MORTEM BLOOD WHERE: _____ INFECTIOUS DISEASES? _____
☐ OTHER EVIDENCE: _____
☐ UNDER MD CARE NATURE OF ILLNESS: _____

REMARKS: _____

☐ SPECIAL ANALYSES REQUESTED _____

FOR LABORATORY USE ONLY

☐ BLOOD (_____ ml) RECEIVED BY: _____ FROM: _____ DATE: _____ TIME: _____
☐ TISSUE RECEIVED BY: _____ FROM: _____ DATE: _____ TIME: _____
☐ BRAIN _____ g ☐ KIDNEY _____ g ☐ OTHER _____
☐ LIVER _____ g ☐ LUNG _____ g ☐ OTHER _____
☐ URINE _____ ml ☐ OTHER _____ ☐ OTHER _____
☐ STOMACH/CONTENTS _____ g ☐ OTHER _____ ☐ OTHER _____

REMARKS: _____

C



SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA

COPY

BRAD GATES
SHERIFF-CORONER

SERVING THE UNINCORPORATED AREAS
OF ORANGE COUNTY AND THE CITIES OF:

DANA POINT SAN JUAN CAPISTRANO
LAGUNA NIGUEL STANTON
MISSION VIEJO VILLA PARK

RAUL RAMOS
UNDERSHERIFF

ASSISTANT SHERIFFS
WALTER FATH
JOHN HEWITT
JERRY KRANS
DENNIS LADUCER

VERIFICATION/CONFIRMATION OF DEATH

NAME OF DECEASED: BYRD, Sylvan Randall
CORONER CASE NO: 93-00573-ES
DATE OF DEATH: 01-23-93
DATE OF BIRTH: [REDACTED]

THE SHERIFF-CORONER HAS ISSUED A CERTIFICATE OF DEATH IN THIS CASE WITH THE CAUSE AND CLASSIFICATION OF DEATH LISTED AS PENDING INVESTIGATION.

THIS PRELIMINARY PENDING CAUSE AND CLASSIFICATION REQUIRES THAT THE SHERIFF-CORONER CONDUCT WHATEVER INVESTIGATION IS NECESSARY IN ORDER TO ARRIVE AT THE FINAL CAUSE AND CLASSIFICATION. AN INVESTIGATION MAY ENTAIL COMPLETION OF ANY NUMBER OR COMBINATION OF LABORATORY TESTS (TOXICOLOGY, HISTOLOGY, NEUROPATHOLOGY, BACTERIOLOGY, ETC.), REVIEW OF MEDICAL RECORDS, OR FURTHER INVESTIGATION INTO THE CIRCUMSTANCES SURROUNDING THE DEATH.

THE NEXT-OF-KIN WILL RECEIVE THE RESULTS OF THIS INVESTIGATION IN A LETTER MAILED OUT AS SOON AS THE CASE HAS CLEARED. AT THAT TIME, CORONER REPORTS ARE AVAILABLE FOR EITHER REVIEW OR PURCHASE. (\$50.25 IS THE FEE FOR CERTIFIED COPIES OF ALL REPORTS RELATED TO AN INDIVIDUAL DEATH.) ALSO, AT THAT TIME, THE AMENDMENT TO THE PENDING CERTIFICATE OF DEATH WILL BE FORWARDED TO THE ORANGE COUNTY HEALTH DEPARTMENT, BIRTHS & DEATHS SECTION, FOR PROCESSING. CERTIFIED COPIES OF DEATH CERTIFICATES ARE AVAILABLE FROM THAT DEPARTMENT APPROXIMATELY 10 WEEKS AFTER THE CORONER HAS FORWARDED THE AMENDMENT. (USUALLY, YOUR FUNERAL DIRECTOR WILL ALREADY HAVE REQUESTS FOR CERTIFIED COPIES OF THE DEATH CERTIFICATE ON FILE WITH THE HEALTH DEPARTMENT WHICH, IN TURN, WILL MAIL THEM TO REQUESTORS AS SOON AS THEY ARE AVAILABLE.)

WE APOLOGIZE FOR ANY INCONVENIENCE THIS DELAY MAY CAUSE AND EVERY EFFORT WILL BE MADE TO FACILITATE OUR INQUIRY AND ISSUE THE AMENDMENT TO THE PENDING CERTIFICATE AS SOON AS POSSIBLE.

AT THIS TIME NO INFECTIOUS OR CONTAGIOUS DISEASE PRESENTING A THREAT TO PUBLIC HEALTH IS KNOWN OR SUSPECTED TO BE ASSOCIATED WITH THE CAUSE OF DEATH.

Lorenice J. Esslinger
LORENCE J. ESSLINGER
DEPUTY CORONER



SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA

BRAD GATES
SHERIFF-CORONER

SERVING THE UNINCORPORATED AREAS
OF ORANGE COUNTY AND THE CITIES OF:

DANA POINT
LAGUNA NIGUEL
MISSION VIEJO
SAN JUAN CAPISTRANO
STANTON
VILLA PARK

OFFICE OF SHERIFF-CORONER

RAUL RAMOS
UNDERSHERIFF
ASSISTANT SHERIFFS
WALTER FATH
JOHN HEWITT
JERRY KRANS
DENNIS LADUCER

January 25, 1993

Honorable Harriett M. Wleder
Chairman, Board of Supervisors
10 Civic Center Plaza
Santa Ana, CA 92701

93-00573-ES
BYRD
0004g

Dear Harriett:

I wish to inform you of the Los Alamitos Police Department officer-involved death of Sylvan Randall Byrd on January 23, 1993 at 1848 hours. Mr. Byrd was transported to Los Alamitos Medical Center where he was pronounced dead.

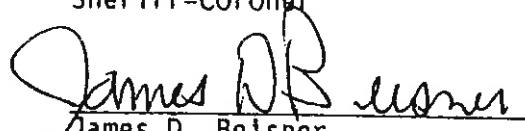
An autopsy was performed at the direction of the Orange County District Attorney Office by David M. Katsuyama, M.D., coroner's pathologist. Additional investigation and further studies are being conducted to confirm the cause and classification of the death.

All appropriate agencies have been contacted regarding the death.

Sincerely,

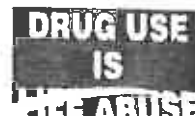
BRAD GATES
Sheriff-Coroner

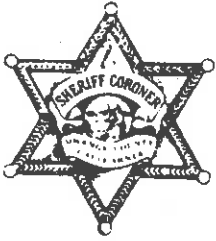
By:


James D. Beisner
Chief Deputy Coroner

BG:JDB:jh

cc: Phyllis Henderson, Clerk of the Board
Grand Jury Foreman, Vincent C. Cauley
Ernie Schneider, County Administrative Officer
Maria Bastanchury, Risk Management, CAO
Michael Capizzi, District Attorney
Captain William Miller, Intake-Release Center





**SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA**

**BRAD GATES
SHERIFF-CORONER**

92-00513-ES

SYLVAN

1-23-93 1848

**FORENSIC EXAMINATION
WITNESS FORM**

ALL PERSONS PRESENT ARE REQUIRED TO READ AND SIGN BELOW.

The information discussed and obtained during the forensic examination of the above decedent is to be considered as confidential and as preliminary findings only. The information is **NOT** to be released, pending completion of **ALL** forensic studies.

DATE	SIGNATURE	PRINT NAME	AGENCY
1-24-93	<i>Linda A. Pratz</i>	LINDA A. PRATZ	OCSO ID
"	<i>Lore A. Sugarman</i>	LORE A SUGARMAN	OCSO FSS
"	<i>Robert W. Russell</i>	ROBERT W. RUSSELL	OCSO/INV.
1/24/93	<i>Richard I. Fukumoto</i>	RICHARD I. FUKUMOTO	OCSO

E

1. COPIES TO:

CORONER 95-573-1.5

**SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA**

2. CASE NO. FR#93 / 40877

3. DEPT. CORONER

4. ☐ FOLLOW-UP
5. ☒ PHOTOGRAPHIC
6. ☐ LABORATORY EXAMINATION

DCSD 93-04064

BRAD GATES, SHERIFF-CORONER

IDENTIFICATION EXAMINATION

7. OFFENSE Officer-Involved Shooting			8. VICTIM/SUSPECT BYRD, Sylvan R.		
9. TYPE OF EXAMINATION Photographic			10. DATE 1-24-93		11. SERVICE REQUEST NO.
12. IDENT.	13. NO IDENT.	14. INCONCLUSIVE	15. PHOTOGRAPHS TAKEN YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		B & W <input type="checkbox"/> COLOR <input checked="" type="checkbox"/>

16. DETAILS On 1-24-93 at 0800 hours, I photographed the autopsy of the above named victim at the Forensic Science Center. The autopsy was performed by Dr. KATSUMIYAMA. The following photographs were taken:

- | | | |
|------------------------------------|--------------------------------------|----------------------------------|
| 1. Call Slip | 28. Entry/exit, left leg, with probe | 55. Bullet removed |
| 2. Full body, in bag | 29. Abrasion, lower rt. leg | 56. Bullet removed |
| 3. Toe tag | 30. Abrasion, right knee | 57. Bullet in pelvis |
| 4. Full body, bag open | 31. Projectile, lower left leg | 58. Throat organs, top |
| 5. Projectile in lower left leg | 32. Left leg with probe | 59. Throat organs, bottom |
| 6. Full body, back, unwashed | 33. Lower legs | 60. Left brain |
| 7. Entry wound, upper rt. shoulder | 34. Projectile from left leg | 61. Top brain |
| 8. Entry, right shoulder | 35. Leg measurements | 62. Right brain |
| 9. Entry, upper right side | 36. Leg measurements | 63. Bullet in left pelvis |
| 10. Wounds with probes | 37. Leg measurements | 64. Brain removed |
| 11. Wounds with probes | 38. Chest reflected | 65. Skull cavity with dura |
| 12. Wounds with probes | 39. Blood in lower abdomen | 66. Left iliac artery/separation |
| 13. Full body, back, washed | 40. Projectile in lower abdomen | 67. Trajectories with probes |
| 14. Entry, back of rt. shoulder | 41. Hole in right lung | 68. Trajectories with probes |
| 15. Entry, top rt. shoulder | 42. Hole in rt. diaphragm/liver | 69. Trajectories with probes |
| 16. Entry, upper rt. side | 43. Stomach and contents | 70. Chest cavity, empty |
| 17. Full body, front, washed | 44. Hole in mesentery | 71. Skull cavity without dura |
| 18. Full face | 45. Disruption/tip of appendix | 72. Bullet from left pelvis |
| 19. Left profile | 46. Disruption/ascending colon | 73. Throat organs, open |
| 20. Right profile | 47. Bullet behind ascending colon | 74. Spinal cord exposed |
| 21. Abrasion, upper right arm | 48. Disruption in liver | 75. Spinal column without cord |
| 22. Abrasion, lower rt. arm | 49. Hole in left inner pelvis | 76. Spinal cord removed |
| 23. Right palm/wrist | 50. Left skull reflected | 77. |
| 24. Back of left hand/wrist | 51. Top skull reflected | 78. |
| 25. Left wrist/palm | 52. Right skull reflected | 79. |
| 26. Abrasion under left ear | 53. Left temporal lobe reflected | 80. |
| 27. Abrasion, left temple | 54. Right temporal lobe reflected | 81. |

NN012 6

RADIOLOGICAL EXAMINATION

00573-ES

SYLVAN

4 PM

1-23-93 1848

FLUOROSCOPIC EXAMINATION

Findings Noted: _____

Fluoroscopic exam done by _____

STANDARD X-RAY(S) TAKEN

Number taken _____ 8 x 10

Number taken _____ 10 x 12

Number taken _____ 12 x 14

Number taken 19 14 x 17

Number taken _____ 8 x 10 XTL (soft tissue)

X-rays taken by M. FLECKSTEIN

1-23-93

DENTAL X-RAY(S) TAKEN

Number taken _____

X-rays taken by _____

COMMENTS MULTI-65N'S

F

		BYRD		01-23-93		1848	
TH	22. DEATH WAS CAUSED BY: (ENTER ONLY ONE CAUSE PER LINE FOR A, B, AND C)						24. WAS DEATH REPORTED TO CORONER? 93-00573ES
	IMMEDIATE CAUSE						
	(A) DUE TO, OR AS A CONSEQUENCE OF						
	(B) DUE TO, OR AS A CONSEQUENCE OF						
23. OTHER CONDITIONS CONTRIBUTING BUT NOT RELATED TO THE IMMEDIATE CAUSE OF DEATH NONE						27. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEMS 22 OR 23? TYPE OF OPERATION NO	
SI- N'S IFICA- ON	28A. I CERTIFY THAT DEATH OCCURRED AT THE HOME, DATE AND PLACE STATED FROM THE CAUSE STATED. I ATTENDED DECEDENT SINCE (ENTER MO. DA. YR.)		28B. PHYSICIAN—SIGNATURE AND DEGREE OR TITLE		28C. DATE SIGNED		28D. PHYSICIAN'S LICENSE EXPIRES
	I LAST SAW DECEDENT ALIVE (ENTER MO. DA. YR.)		28E. TYPE PHYSICIAN'S NAME AND ADDRESS				
URY IRMA- ON	29. SPECIFY ACCIDENT, SUICIDE, ETC. HOMICIDE		30. PLACE OF INJURY RESIDENCE		31. INJURY AT WORK NO		32A. DATE OF INJURY—MONTH, DAY, YEAR 01-23-93
	32. LOCATION (STREET AND NUMBER OR LOCATION AND CITY OR TOWN) 3572 HOWARD AVE APT. 4 LOS ALAMITOS		32B. INJURY 1748				
NER'S ISE NLY	33. DESCRIBE HOW INJURY OCCURRED (EVENTS WHICH RESULTED IN INJURY) SHOT BY ON-DUTY PEACE OFFICERS						35C. DATE SIGNED
	35A. I CERTIFY THAT DEATH OCCURRED AT THE HOME, DATE AND PLACE STATED FROM THE CAUSE STATED. AS REQUIRED BY LAW I HAVE HELD AN (INQUEST-INVESTIGATION)						
35B. CORONER—SIGNATURE AND DEGREE OR TITLE							

ORDER FOR RELEASE

O: The SHERIFF-CORONER, County of Orange

Order for release of the body of:

93-00573-ES

BYRD, SYLVAN

DECEDENT: BYRD, SYLVAN RANDALL

PRINT FULL NAME OF DECEASED (LAST NAME FIRST, GIVEN NAME & MIDDLE NAME)

93-00573-ES

NEXT OF KIN

I certify that, pursuant to Section 7100, Health & Safety Code, State of California, it is my legal right to select any funeral director or disposition service. Therefore, upon completion of your investigation of the death of said deceased, please release the body of the above deceased to the custody of:

NAME OF MORTUARY: [REDACTED]

Next of kin: [REDACTED] Relationship [REDACTED]

PRINT FULL NAME

Address [REDACTED] City [REDACTED] State/Zip [REDACTED]

Telephone No. [REDACTED]

PROPERTY RELEASE

I certify that, pursuant to Section 7100, Health & Safety Code, State of California, it is my legal right to take custody of personal property of the above deceased. Therefore, upon completion of your investigation of the death of said deceased, please release the personal property of the above deceased to the custody of:

Signed _____ Relationship _____

Address _____ City _____ State _____

Telephone No. _____

Reason for handling if not next of kin: _____

FUNERAL DIRECTOR/DISPOSITION SERVICE

Acting as a representative of the firm of _____

I state that I am entitled to custody of the remains of the above-named deceased by the authority of:

Telegraphic authorization by proper next of kin (copy attached) ☐

By direction of the Public Administrator (_____) ☐

By prior authorization of next of kin or representative (copy attached) ☐

Pre-Need arrangement (copy attached) ☐

Other reason _____ ☐

Witness _____ Signed _____

D

002110
(29)

OFFICE OF THE CORONER
ORANGE COUNTY, CALIFORNIA
REPORT OF TOXICOLOGICAL EXAMINATION

INVESTIGATOR: ESSLINGER/KATSUYAMA

CASE NUMBER: 93-00573 ES

NAME OF DECEASED: BYRD, Sylvan

AGE: 40

SEX: Male

SPECIMENS SUBMITTED: Postmortem Blood, Brain, Liver, Urine, Stomach
Contents, Vitreous Humor, Right Chest Blood

BLOOD RECEIVED BY: Fung

FROM: FSC Refrigerator

TISSUE RECEIVED BY: Osuna

FROM: Freezer

Replicate samples of postmortem blood were analyzed for ethanol and other common volatiles employing a headspace gas chromatographic method. Ethanol was detected in the concentration of 0.11%.

ECK - 1/28/93

TRAUGHER - 1/28/93

Replicate samples of brain were analyzed for ethanol and other common volatiles employing a headspace gas chromatographic method. Ethanol was detected in the concentration of 0.11%.

MATSUDAIRA - 2/11/93

ECK - 2/11/93

Samples of postmortem blood were screened for barbiturates, cocaine, methamphetamine, opiates, and related compounds by RIA. None were detected.

FORBES - 1/27/93

A two milliliter sample of postmortem blood was screened for basic drugs by nitrogen phosphorous gas chromatography. None were detected.

STANFORD - 2/8/93

Samples of urine were screened for sugar, "ketone bodies", and ethchlorvynol. None were detected.

STANFORD - 2/3/93

A 25 gram sample of liver was screened for neutral and basic drugs by ultraviolet spectroscopy and thin layer chromatography. No significant findings.

STANFORD - 2/9/93

Samples of homogenized stomach contents were screened for acidic, neutral, and basic drugs by ultraviolet spectroscopy and thin layer chromatography. No significant findings.

STANFORD - 2/9/93

Date typed: February 19, 1993

Maryanne Stanford
Toxicologist

RESULT SUMMARY

C93-573-ES
~~C92~~

Byrd, Sylvan

VOLATILES PM 0.117% / Brain 0.11%

RIA PM neg

GC/MS

MORPH

COO

COC

BE

BLOOD

BRAIN

LIVER

NPD SCREEN

none detected

URINE SCREEN all neg

LIVER SCREEN

NEUTRALS

BASES

WEAK/STRONG ACIDS

} N.S.

STOMACH CONTENTS

ACIDS

NEUTRALS

BASES

} N.S.

QUANTITATIONS/CONFIRMATIONS

HISTOLOGY RECORD

DATE OF AUTOPSY: 1/26/93

DATE TISSUE CUT: 2/21/93

BY: [Signature]

NUMBER OF CASSETTES MADE: 3

DATE TO LAB: _____ BY: _____

NUMBER OF BLOCKS MADE: 3

DATE: 2/26/93 BY: KMB

DATE SLIDES PREPARED: 2/27/93 BY: KMB

NUMBER OF SLIDES MADE: 3 H & E BY: KMB

NUMBER OF SPECIAL STAINS: _____ BY: _____

DATE READ: _____ BY: _____

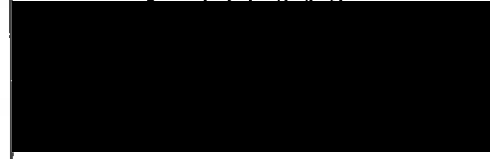
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03/12/93 4

(29)

92-00573-F5

YIP, SYLVAN



PRELIMINARY REPORT OF MICROSCOPIC EXAMINATION

off involving qsw

OPINION AS TO CAUSE OF DEATH:

no change in COP

DATE OF THIS REPORT: 3/1/93

PATHOLOGIST: [Signature] M.D.

DATE RETURNED TO F.S.C. MAR 6 1993 BY: D.M.K.

NUMBER OF SLIDES RETURNED: 3 CHECKED BY: [Signature]

NUMBER OF BLOCKS RETURNED: 3 CHECKED BY: [Signature]

DATE FILED: MAR 6 1993 BY: [Signature]

REMARKS: _____

G

APPLICANT

COMPLETE BOTH SIDES

SIGNATURE OF PERSON FINGERPRINTED

DATE SIGNATURE OF OFFICIAL TAKING FINGERPRINTS

CONTRIBUTING AGENCY AND ADDRESS

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CA0319400

DEPT OF JUST
BU OF IDENT
SACRAMENTO, CADATE OF BIRTH DOB
MONTH DAY YEARDRIVERS LICENSE NO DOL

SEX

HGT

WGT

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HAIR

PLACE OF BIRTH POBYOUR NO OCAFBI NO FBISTATE ID NO SIDSOCIAL SECURITY NO SOC
VOLUNTARY FOR ID ONLY

DATE FINGERPRINTS SUBMITTED

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CLASS

REF

Sheriff-Corcoran Department
County of Orange
P.O. Box 419
Santa Ana, California 92702INFORMATION PROVIDED ON THIS FORM MAY BE COM-
PUTERIZED IN LOCAL, STATE AND FEDERAL FILES.

APPLICANT

COMPLETE BOTH SIDES

SIGNATURE OF PERSON FINGERPRINTED

DATE SIGNATURE OF OFFICIAL TAKING FINGERPRINTS

1-24
93 A.W. Lechip

CONTRIBUTING AGENCY AND ADDRESS

Sheriff-Coroner Department
County of Orange
P.O. Box 449
Santa Ana, California 92702

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TYPE OR PRINT ALL INFORMATION IN BLACK

LAST NAME NAM

FIRST NAME

MIDDLE NAME

FBI

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ALIASES AKA/MAIDEN NAME

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CR0349400

DEPT OF JUST
BU OF IDENT
SACRAMENTO, CA

DATE OF BIRTH DOB
MONTH DAY YEAR

DRIVERS LICENSE NO DDL

SEX

HGT

WGT

EYES

HAIR

PLACE OF BIRTH POB

YOUR NO OCA

FBI NO FBI

STATE ID NO SID

SOCIAL SECURITY NO SOC
VOLUNTARY FOR ID ONLY

DATE FINGERPRINTS SUBMITTED

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CLASS

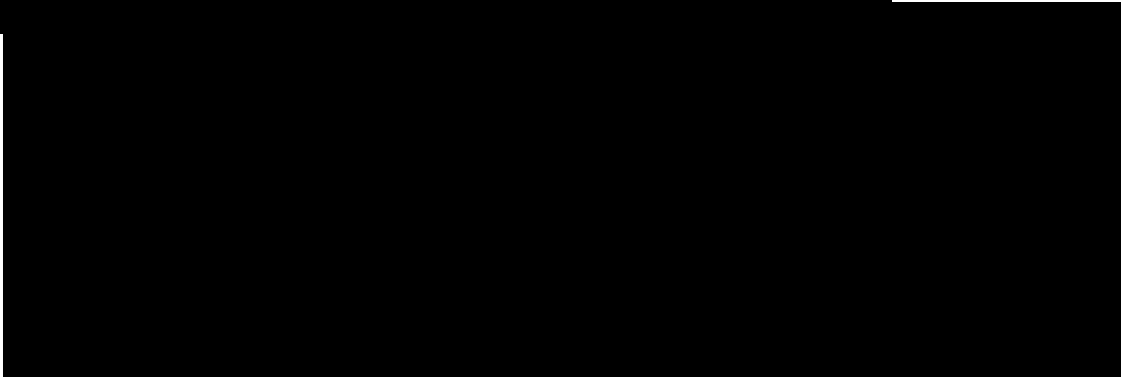
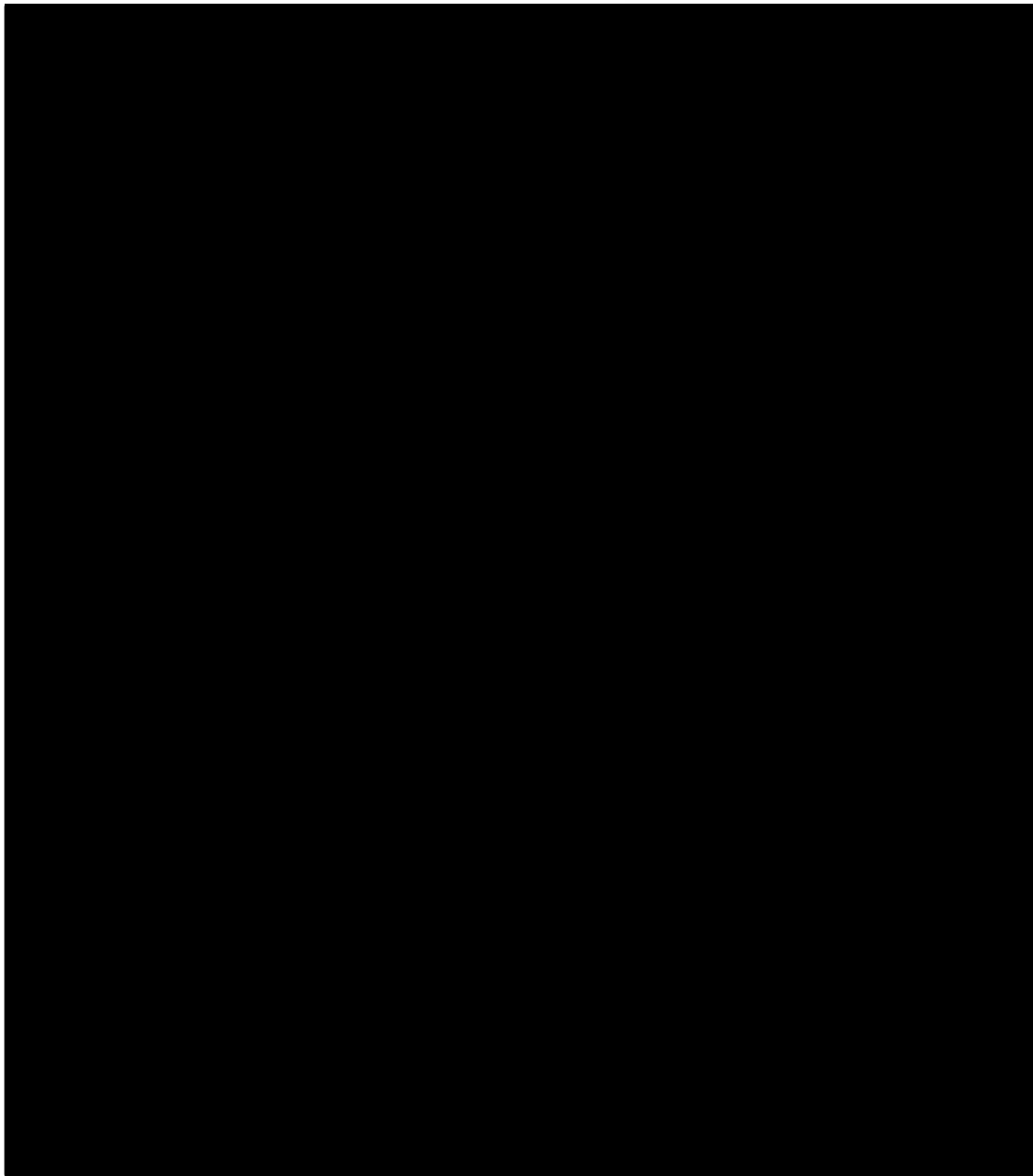
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00573-ES

SYLVAN

1-23-93 1043



93-00572-ES

YARD, SYLVAN

1-23-93 1848

1-24-93

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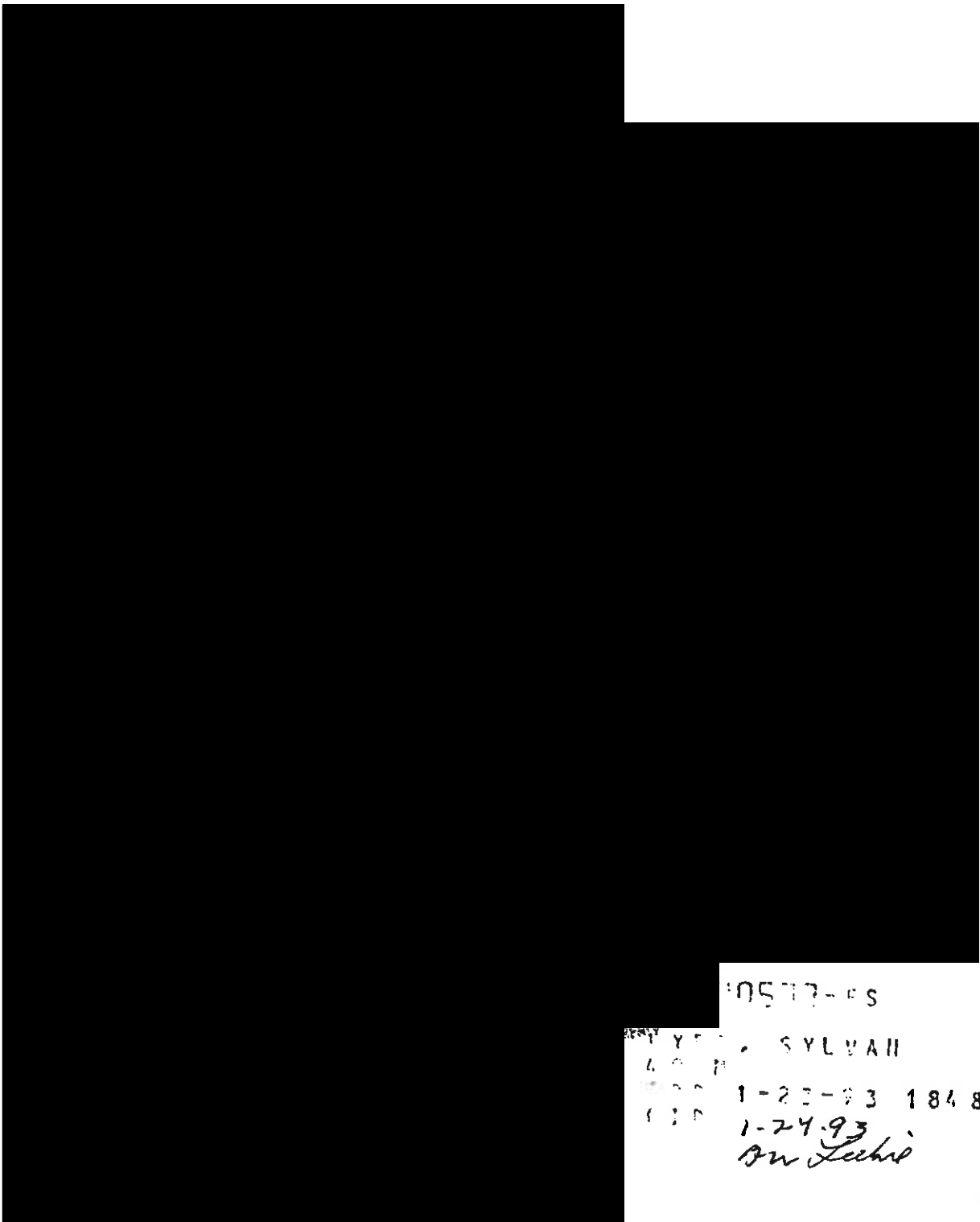
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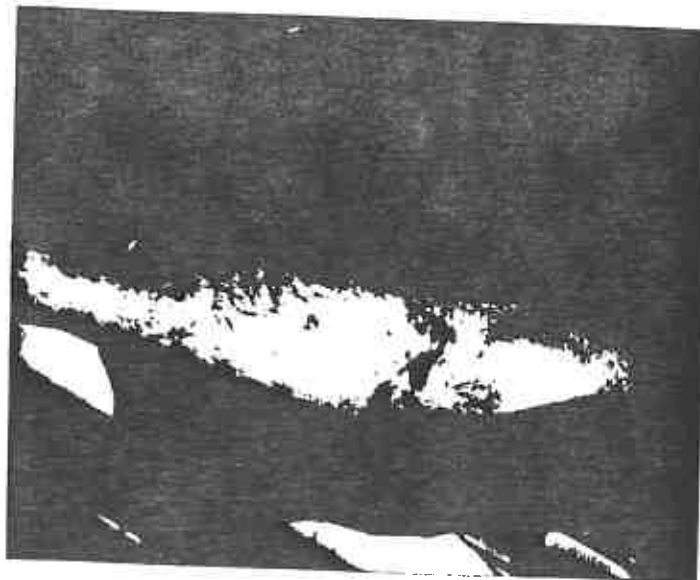
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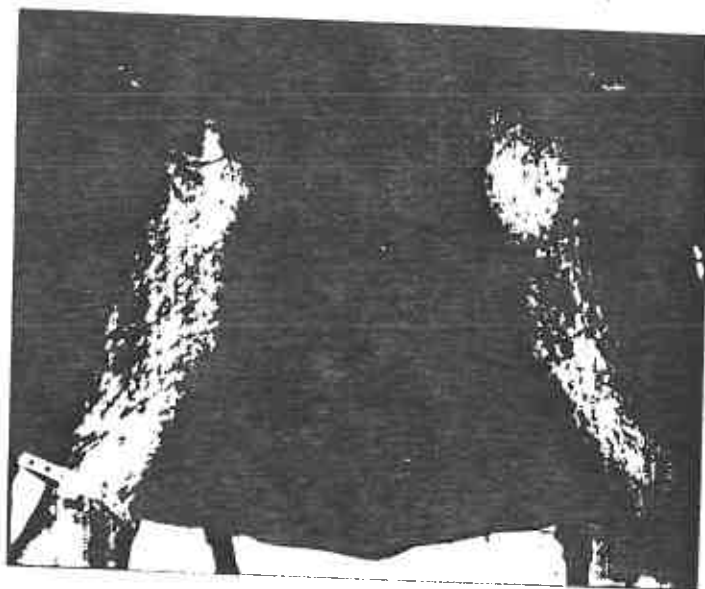


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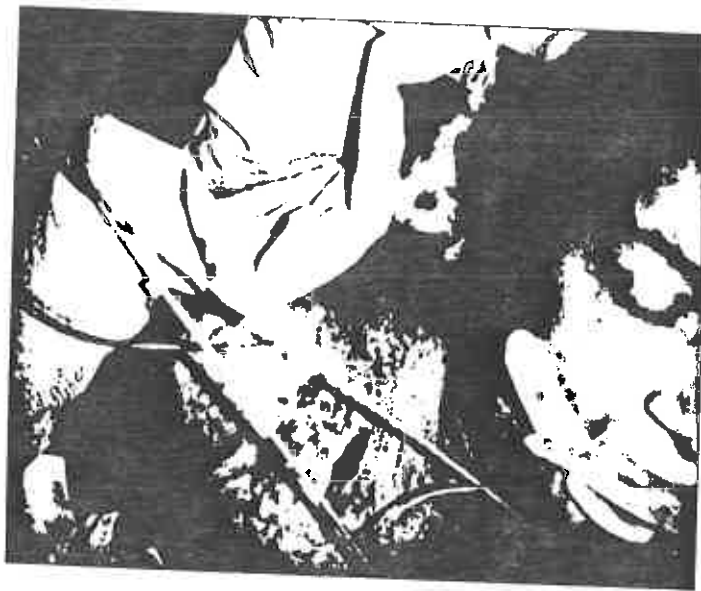
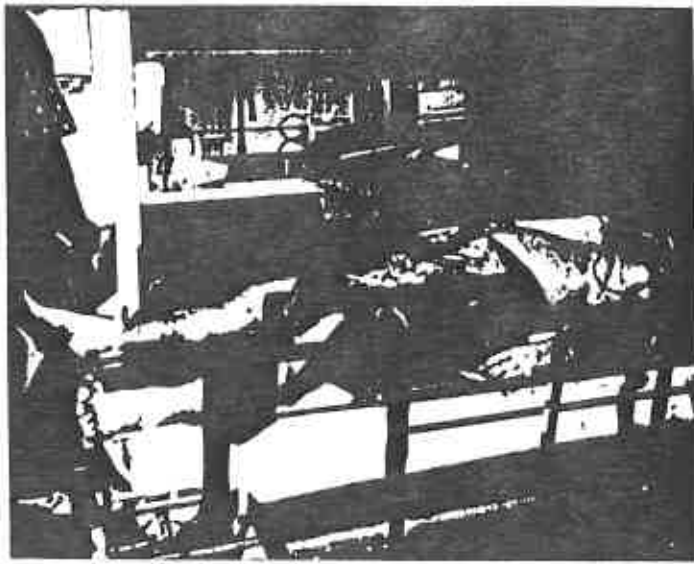
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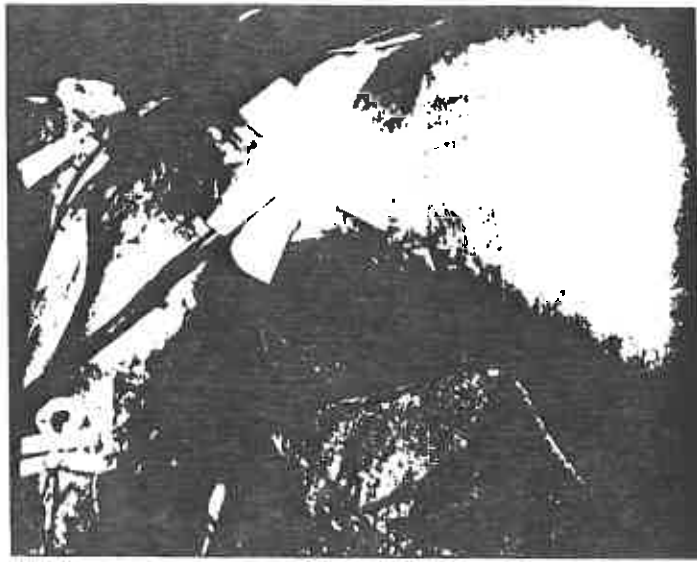


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• 4 •





DR NUMBER: 93-04064

VIOLATION: Officer Involved Shooting

(X) INTERVIEW () CONVERSATION () TELEPHONE

NAME OF INTERVIEWEE:

DATE/TIME OF INTERVIEW: JANUARY 23, 1993 - 2135 HOURS

LOCATION OF INTERVIEW: LOS ALAMITOS MEDICAL CENTER

CONDUCTED BY: INVESTIGATOR B. RUSSELL, OCSO, HOMICIDE
INVESTIGATOR R. RAMOS, OCSO, HOMICIDE

TRANSCRIBED BY: E. HARGRAVE, OCSO, INVESTIGATION DIVISION

--**-- (DENOTES INAUDIBLE PORTIONS OF TAPE)

RUSSELL: Today is, uh, Saturday, 1-23-93. The time is 2135 hours. I'm Investigator Bob Russell, Orange County Sheriff's Department. I will be interviewing subject last name

Date of birth Uh, the interview is taking place at the waiting room of Los Alamitos, uh, uh, General Hospital, uh, in the emergency room area. Also present is Investigator Raoul Ramos and

Okay why don't you just go ahead and, uh, uh, to the best of your knowledge and how you remember it, just tell us what happened today.

I heard a bang, bang, bang on the door and I mean a strong bang. Sylvan . . . I was in the living room. Sylvan went to the back room, his den, came back out to check who it was because it was bang, bang, bang. I walked into the kitchen at that point. He cracked the door, I believe at that point, and, then I hear shots. And, I couldn't believe there were shots. And, I saw the door open with holes in the door and Sylvan fall down on the ground and he was blood, there was blood everywhere. And, the policeman, the big policeman with brown hair, came in and he told me to put my hands up and I put my hands up because I . . . and Sylvan was on the floor and there was

blood and there was blood. And, he handcuffed me. And, Sylvan was breathing and he was looking at me and he was looking at me. There was blood. There was a puddle. And, they took me out of the, of the apartment and downstairs and [REDACTED] were there and they brought me in. And I didn't know who it was. I didn't know who it was.

RUSSELL: What do you mean you didn't know who it was? Who was it?
[REDACTED] I didn't know who was at the door. Sylvan didn't know who was at the door.

RUSSELL: Okay.

[REDACTED] He thought there was somebody banging on the door.

RUSSELL: Okay. Let me, let me ask you, let me back up, let's back up here a little bit. When you, when you heard the knock at the door, did you or [REDACTED] ask, who's there?
[REDACTED] No.

RUSSELL: Okay, you said [REDACTED] left, uh, and he went into his room, the den. What did, what did he go in there for?
[REDACTED] He got his pistol I believe 'cause I think I saw it in his hand when he went to the door.

RUSSELL: Why did he go get his pistol?
[REDACTED] Because he also does that since the riots. He always makes sure that we're safe.

RUSSELL: Okay, does [REDACTED] . . .
[REDACTED] He looked, he tried to look. And I think when he went to the door, I was in the kitchen and I couldn't see. When he opened the door there was no words exchanged. It just opened, heard the bang, bang and he was on the floor.

RUSSELL: Okay. Did you, uh . . . let's back up prior to the, uh, police showing up there. What, uh, what did you and your husband do today?

[REDACTED] Uh, I went to the laundry. Uh, wait a minute, wait a minute. First, um, first thing this morning, I went to take my bike to the bicycle shop to put on a bag and a rack and a reflector because Sylvan told me to take my
[REDACTED]

RUSSELL: Okay.

[REDACTED]
[REDACTED]
RUSSELL:

Easy ---*---. Easy

We'd been arguing. We had an argument later in the day.

Okay, what time did the argument start?

[REDACTED]
RUSSELL:

Um, I don't remember.

If, if you had to guess, what would you say?

[REDACTED]
RUSSELL:

Probably about . . .

You know we're not talking about specific times here. Approximate times is fine. Was it before twelve, before noon, afternoon?

[REDACTED]
RUSSELL:

But it wasn't, it was kind of like, you know how you get snippy with each other, you know.

[REDACTED]
RUSSELL:

Un-huh.

Like why don't you go do this 'cause your on my nerves.

[REDACTED]
RUSSELL:

Okay.

And then the arg, we had an argument before the incident, but it wasn't, it was sort of like we have to decide what we're going to do. 'Cause remember [REDACTED] we were going to [REDACTED]

[REDACTED]
[REDACTED]
RUSSELL:

Hum-um.

And now we're gonna do it.

Okay, did you have, was, were you yelling at each other?

[REDACTED]
RUSSELL:

I don't remember which one of us was yelling. I could've been yelling or he may have been yelling.

[REDACTED]
RUSSELL:

Okay, were you loud? Were you real loud?

It lasted for probably about two (2) minutes.

RUSSELL:

Okay, was it real loud?

[REDACTED]
RUSSELL:

Um, it was about as loud as this.

[REDACTED]
RUSSELL:

Okay.

We were standing by the balcony. Uh . . .

What, what do you mean by the balcony? Where's the balcony?

[REDACTED]
RUSSELL:

Well there's the balcony and there's the window.

Is that off the living room?

Yeah. And I get, I got angry. And I just said, I said I don't want to talk about it and or something. I can't even remember. I don't even remember what the arguing was about.

RUSSELL: Okay, were the windows open in the apartment?
[REDACTED] Un-huh.

RUSSELL: Okay, how many windows were open?
[REDACTED] Just the sliding glass door.

RUSSELL: And that's off, off the living room by the balcony?
[REDACTED] Un-huh.

RUSSELL: And how wide was that open?
[REDACTED] Probably about this much.

RUSSELL: Okay, about a foot or so.
[REDACTED] Yeah, enough for him to get through.

RUSSELL: Okay. Is it, can you actually walk out onto a balcony there?
[REDACTED] Un-huh.

RUSSELL: Did, any of you, either one of you go out onto the balcony?
[REDACTED] He did.

RUSSELL: Okay, were you yelling at that time you went out onto the balcony?
[REDACTED] No, only on the way back in 'cause I was inside.

RUSSELL: Did you, how about your TV, was your TV turned on?
[REDACTED] Un-huh, we had the TV on. We were watching "Dancing with Wolves."

RUSSELL: Okay, was it . . .
[REDACTED] And they were on, in the, um, scene where they attack each other, you know when they're having their war.

RUSSELL: How loud was the TV?
[REDACTED] Oh, it was medium high. He's kind of hard of hearing so he likes to have it . . .

RUSSELL: Okay. Does he, does he wear a hearing aid or anything like that?
[REDACTED] No. No.

RUSSELL: Okay, so you were, the two of you were arguing because of this, this, uh, [REDACTED]
[REDACTED] No, we were just snipping at each other. It wasn't a long argument. It probably lasted about five (5) minutes. It was over before they knocked on the door. And I don't even know who it was because it was like bang, bang, bang,

bang and it startled us. And he went to the room, and I walked to the kitchen. When I went in the corner all he saw was the door open with the four shots and he went on the floor. When he didn't know what. Why did they shoot him. He wouldn't of shot policeman. He wanted to be a policeman.

RUSSELL: Okay, now your doing real good and that's what we're trying to find out. That's why we're talking to you. Now many guns does your husband own?

[REDACTED] I have no idea. I, the ones I've seen?

RUSSELL: Hum-um.

[REDACTED] Uh, he has a shotgun that I bought him I know about. He has a, he gave me, uh, a little gun, a little hand gun. I don't know what it is.

RUSSELL: Do you know the difference between a revolver and a pistol, semi-automatic pistol?

[REDACTED] This kind of thing?

RUSSELL: Slide, that's a semi-automatic pistol.

[REDACTED] Yeah, he had, that was mine.

RUSSELL: That was yours.

[REDACTED] And he had one too only bigger.

RUSSELL: What color was yours, was it blue?

[REDACTED] Silver.

RUSSELL: Silver.

[REDACTED] Well, it has a black handle on it. So I don't know which one.

RUSSELL: Which, uh . . .

[REDACTED] It probably's there in the living room.

RUSSELL: Okay, so he, he has, he bought you a gun, a silver gun with a black handle.

[REDACTED] No, he had a gun and he gave it to me.

RUSSELL: Okay. He gave you a silver gun with a black handle?

[REDACTED] Un-huh.

RUSSELL: Okay, so a shot gun and a silver gun with a black handle with a slide that goes back.

[REDACTED] And another one. And another one with a black . . . no which is the big one.

RUSSELL:

No. Is that, uh, with a slide or is that a revolver?
Bigger. It's a slide.

RUSSELL:

Okay. So he has another gun, semi-automatic?
And he has a revolver but the revolvers in the, they had,
he keeps all that stuff in the storage so then he doesn't
have to get, so it's not by the house, see.

RUSSELL:

Okay. How about the shotgun is that . . .
I think it might be in the storage now.

RUSSELL:

Okay. So how many guns does he keep there at the
apartment?

I don't know. From, I'm, I think just two (2).

RUSSELL:

Just two (2). And that would be the . . .
And maybe not even two (2). May, I don't know. I think
two (2).

RUSSELL:

Maybe two (2) guns.
Yeah. Maybe the rifle. One of the rifles. And then I
just bought him one of those target, you know that target
things I showed you

Hum-um.

It's, uh, Acucross Cross Bow.

RUSSELL:

Was a hunter? Did he hunt?

Hum-um.

He's an ex-marine.

He's an ex-marine. And he graduated from the Alaska
Police Academy.

RUSSELL:

The Alaska Police Academy?

Yes sir.

RUSSELL:

When was that?

When he came out of . . . he knew how bad he wanted to be
a policeman. He grad, he about seven (7) years ago. I
don't know. I don't know. I keep telling you.

RUSSELL:

How long have you and
We've been for like three (3) years in July.

RUSSELL:

Okay. What date
Fourth (4th) of July.

RUSSELL:

That's, uh, '90, 1990. Were you here in
California?

[REDACTED] 1989.

RUSSELL: 1989.

[REDACTED] Yes.

RUSSELL: So it's going to be four (4) years then.

[REDACTED] We'll be [REDACTED]

RUSSELL: This is '93.

[REDACTED] Yeah, it would three (3) years '90.

RUSSELL: Would be '90.

[REDACTED] Yeah.

RUSSELL: Were you [REDACTED] in California?

[REDACTED] Huh-uh.

RUSSELL: Where were you [REDACTED] at?

[REDACTED] In San Pedro, on a ship.

RUSSELL: What kind of . . .

[REDACTED] On a ship.

RUSSELL: What kind of ship?

[REDACTED] The Buccaneer Queen.

RUSSELL: Cruise ship?

[REDACTED] Hum-um.

RUSSELL: Okay. Was your, uh, was [REDACTED] drinking today?

[REDACTED] Yes.

RUSSELL: How much did he have to drink?

[REDACTED] Uh, not much. I don't know. I have no idea since I was gone. Like I said, I went out and ran errands.

RUSSELL: Okay, was he, what does he ordinarily does he drink?

[REDACTED] Well not ordinarily anything. He was drinking a rum.

RUSSELL: When he drinks, you know, does he drink beer? Does he drink . . .

[REDACTED] Yeah, he was drinking rum and coke, I think.

RUSSELL: Rum and coke.

[REDACTED] Hum-um.

RUSSELL: Remember how many, how many rum and cokes he had?

[REDACTED] No sir.

RUSSELL: Were you drinking today?

[REDACTED] I had a cocktail today, yeah, this afternoon.

RUSSELL: Okay, what did you have to drink?

[REDACTED] Uh, Vodka and Orange juice.

RUSSELL: Screwdriver?
[REDACTED] I think so. I guess that's what that would be called?
Yeah.

RUSSELL: So you, how many, uh, how many of those did you have?
[REDACTED] One (1). No, actually two (2). Two 'cause I got it half full and filled it up again.

RUSSELL: What time did you have those drinks?
[REDACTED] About four (4).

RUSSELL: Okay. Did you see [REDACTED] drink the rum and coke today?
[REDACTED] No. I saw him pour it though.

RUSSELL: How many times did you see him fill his glass?
[REDACTED] Once.

RUSSELL: One (1) time.
[REDACTED] Hum-um.

RUSSELL: And when was that?
[REDACTED] I don't know.

RAMOS: Would've been before you poured yours or after?
[REDACTED] I don't know.

RAMOS: You don't recall?
[REDACTED] It was during the same time probably. He was outside working in his garage. He went, came upstairs.

RUSSELL: This argument you and [REDACTED] had was it, uh, I mean why don't you describe the argument. You said you were just arguing about [REDACTED]
[REDACTED] I can't remember. All I remember is it's one of those arguments you can't remember. We had a argument. It was sort of like back and forth, tit for tat.

RUSSELL: Yelling at each other.
[REDACTED] Well no, not even yelling. It was sort of like shout kind of, da, da, da, daa and then da, da, da, daa and da, da, da, daa. And it wasn't anything drag out, you know. And then I got bitchy and he got bitchy and it was by the window.

RUSSELL: Okay. Did you any . . .
[REDACTED] I mean it just looked like it was worse then what it was.

RUSSELL: Any cussing or did you cuss each other?

[REDACTED] No. No.

RUSSELL: Either one of you?

[REDACTED] No.

RUSSELL: Okay.

[REDACTED] This makes me, we weren't in that . . . we have.

RUSSELL: You have in the past?

[REDACTED] Yeah. I'm sure we have.

RUSSELL: Okay. Have you had arguments in the past?

[REDACTED] I'm sure we have. Yes.

RUSSELL: Okay. How often do you argue?

[REDACTED] Have you had, we've all had arguments in the past.

RUSSELL: Yes. Yes. Yes.

[REDACTED] It's probably normally. I had more arguments with my [REDACTED] then I ever had with him.

RUSSELL: Okay. What, what I'm trying to get at though is the fact that evidently the argument was enough where some, it made, it had somebody call the police.

[REDACTED] Hum-um.

RUSSELL: Okay. And that's what I'm, what I'm trying to get tell us. Did you, did you throw anything at the wall? Did you stomp on the floor? Uh, jump up and down? Disturb the tenant downstairs?

[REDACTED] Hump-um.

RUSSELL: You know that's what I'm looking at, or looking for any . . .

[REDACTED] I probably got loud 'cause I always get loud.

RUSSELL: Okay. Okay.

[REDACTED] It's my nature to get loud.

RUSSELL: Okay. Did, uh, were there any threats made or anything like that. Did [REDACTED] threaten you?

[REDACTED] No, he'd never, never. He would never threaten me.

RUSSELL: How about you, did you threaten him? Was there anything where maybe a neighbor overhead something, uh, hey I'm going to get you and maybe they were concerned.

[REDACTED] No.

RUSSELL: Okay.

[REDACTED] I could never threaten him. He's too big.

RUSSELL: Okay so, uh, basically you got, you and [REDACTED] got up this morning. About what time?
[REDACTED] About 8:30, but we didn't get up.
RUSSELL: Woke up at 8:30. What time did you actually get up and get out of bed?
[REDACTED] Probably about ten (10).
RUSSELL: Okay. Eat breakfast?
[REDACTED] I didn't.
RUSSELL: Okay.
[REDACTED] I didn't know if he did 'cause I took off.
RUSSELL: Drink coffee or anything like that?
[REDACTED] I drank coffee.
RUSSELL: Okay. How about, uh, what time did you go to the, did you leave to go to the bike shop?
[REDACTED] Probably about twelve (12).
RUSSELL: About twelve (12). You went to the bike shop. And where's the bike shop at?
[REDACTED] Um, it's on Katella and, uh, well, it's off of Katella and Los Alamitos. There's another street that's right behind there.
RUSSELL: Okay. How did you get over, how did you get up there?
[REDACTED] I rode my bike.
RUSSELL: Rode your bike. And, and then what did [REDACTED] do?
[REDACTED] He was cleaning out his garage.
RUSSELL: Okay.
[REDACTED] And fixing his truck.
RUSSELL: Okay. What time, how long were you up at the bike shop?
[REDACTED] About, I don't know. Enough time to pick out a bike rack, a bag, a, uh, water bottle, a water bottle, a water bottle rack.
RUSSELL: Okay. Would, would you say . . .
[REDACTED] I have to pick out things I was suppose to pick out. Sylvan, where are you?
RUSSELL: Okay. So . . .
[REDACTED] I shouldn't of fought with him. I mean we shouldn't of fought at all. We shouldn't even spatted. We shouldn't of done anything today. Especially when he's been shot.

RUSSELL: Would, would it been fair to say that you were gone an hour?

[REDACTED] Uh, I had to walk home 'cause I left the bike there to get done.

RUSSELL: Oh, you left the bike, okay.

[REDACTED] Un-huh. So it probably was an hour. And I stopped at Shipley's, which is going out of business to get some, I [REDACTED] I walked home. Sylvan said, where's your bike? And I said, I left it there to be fixed. And, I went upstairs and turned on the movie.

RUSSELL: Okay, what movie was that?

[REDACTED] Uh, it's that movie that . . .

RUSSELL: "Dancing with Wolves?"

[REDACTED] No. "Dancing with Wolves" was later. Uh, uh . . .

RUSSELL: Do you have, was it on HBO?

[REDACTED] No, I have a tape there.

RUSSELL: Okay.

[REDACTED] It's a movie with Kim Basinger and so and so, and I watched that all the way through.

RUSSELL: That was a tape that you have upstairs?

[REDACTED] Hum-um.

RUSSELL: Did you rent a tape or did you . . . ?

[REDACTED] I rented it. It's rented. It's there.

RUSSELL: Okay. And then, uh . . .

[REDACTED] It should be in there.

RUSSELL: Okay.

[REDACTED] And then it came off.

RUSSELL: Okay. So you watched the Kim Bas, Basinger movie the whole length of it. And then was [REDACTED] upstairs or was he still in the garage? He was still in the garage? He was in and out going potty, going downstairs.

RUSSELL: Okay. Okay, and then you said something about "Dancing with Wolves." When did that . . .

[REDACTED] Well, when the tape went off, "Dancing with Wolves" was on.

RUSSELL: Did you have a tape on that also? Well that was . . .

[REDACTED]
RUSSELL:

That was on, um, Show Time.

Show Time. And you got, so you have Show Time. So did [REDACTED] watch, uh, "Dancing with Wolves" with you?

[REDACTED] Well on and off. I mean we didn't pay any attention, we saw it at the theater. We kind of liked the movie so we kind of had it on.

RUSSELL:

Hum-um. Okay, was he still in an out?

[REDACTED] Kind of, yeah, moving around getting things settled, you know moving around.

RUSSELL:

Okay, now when, when you had the "Dancing with Wolves" on, uh, was the movie playing when the officers showed up at the door?

[REDACTED] I don't remember.

RUSSELL:

Okay.

[REDACTED] 'Cause I was too busy listening to the door, walking to the kitchen, you know. I mean it was just happened so fast.

RUSSELL:

Okay.

[REDACTED] I mean he . . .

RUSSELL:

The TV was on though, you remember that?

[REDACTED] Yeah, the TV's on. It's probably still on.

RUSSELL:

But you don't remember what was on the TV?

[REDACTED] "Dancing with Wolves."

RUSSELL:

Okay, when the officer showed up?

[REDACTED] Had to been "Dancing with Wolves."

RUSSELL:

Okay. Okay, let me, uh, let me, maybe this would help you. We know that the officers, the officers, uh, got the call sometime just prior to, uh, probably just prior to, uh, 5:45, is when the call, is when the officers received the call and went to the apartment so about quarter to six. Could've been.

[REDACTED]
RUSSELL:

Okay.

[REDACTED] That would sound about right because [REDACTED] came after me just before seven (7) and told me that Sylvan had been shot.

RUSSELL:

After seven (7), okay.

[REDACTED] When I was working. I start the job, I started the job at

five (5:00) o'clock.

RUSSELL:

Okay. What kind of work do you do?

I do carpet cleaning.

RUSSELL:

Okay.

I was maybe 45 minutes into the job when [REDACTED] came to

. . .

I left [REDACTED] about ten minutes after seven. So you know you can see what time I . . .

RUSSELL:

When did [REDACTED] finish in the garage? Did he watch the whole movie, the whole "Dancing with Wolves" with you? He was in and out.

RUSSELL:

In and out.

Like I said he was busy. He was trying to fix things and put things together, you know, like guys do on Saturday when they have the day off.

RUSSELL:

But he was, was upstairs prior . . .

Up and down.

RUSSELL:

But then he was upstairs when the knock at the door came? Right, he was upstairs when the knock on the door.

RUSSELL:

Was he through in the garage at that time?

Yes.

RUSSELL:

Okay.

Yes, he must've been because he didn't leave his garage door open.

RUSSELL:

Okay.

Alone, you know, with everything in it. My bicycle or his bicycle.

RUSSELL:

What, what does [REDACTED] do?

He's a, uh, uh . . .

Drives a truck.

He was, oh Gosh. He's a tank truck driver, tanker.

RUSSELL:

Gasoline tanker?

Yes sir. Diesel.

RUSSELL:

Who does he work for?

Ultrans, U-L-T-R-A-N-S.

RUSSELL:

And where are they out of?

[REDACTED]
RUSSELL:

I think on a Santa Fe Springs.

What's your, you know, what was [REDACTED] date of birth?

[REDACTED]
RUSSELL:

He was born [REDACTED]
[REDACTED]

Yes. He was born [REDACTED]

Hum?

He was born on [REDACTED]

RUSSELL:

Okay, so you were watching at the movie "Dancing with Wolves." Where were when you heard the knock at the door? In the living room.

[REDACTED]
RUSSELL:

Okay, you were watching a movie.

[REDACTED]
I was on the couch.

RUSSELL:

Okay. Did you, did any of you say, whose there? Or, or what . . .?

[REDACTED]
RUSSELL:

No, we were startled because it was very hard bang and nobody said anything. I got up.

Did you, were you expecting any company?

[REDACTED]
Not really because we don't really know anybody here. Maybe it could've been [REDACTED] Uh, Sylvan was startled obviously. He got up.

RUSSELL:

Because of the, you mean, because of the tone of knock at the door.

[REDACTED]
RUSSELL:

The why it was bang. Yes, it was like somebody was banging on the door.

Okay.

[REDACTED]
Uh, I got up 'cause I was scared because I didn't know who it was nobody said anything.

RUSSELL:

Hum-um.

[REDACTED]
And, uh, so I got up. I was walking this way. He walked that way. And it was sort of like I was kind of told to get, you know, to find, you know, to find out where you're going. Get out of here let me see what's going on. We have a hole in the door. So, he opened the door.

You mean . . .

[REDACTED]
RAMOS:

. . . you have a peep hole?

[REDACTED]
Yeah, we have a peep hole.

RUSSELL: Did he look through the peep hole?
[REDACTED] See, I didn't see that. He usually does.

RUSSELL: You didn't see him look through the peep hole?
[REDACTED] I was walking away. And Sylvan never goes to the door and opens it without looking at the peep hole because he's high into security. I mean he's really, he's really into security about the house.

RUSSELL: Why, why is that?
[REDACTED] Because he was police trained. Because he's a Marine. And because we went through the damn riots with people stealing, and shooting, and maiming.

RUSSELL: Where you, where you living, where were you living during the riots?
[REDACTED] Downtown Long Beach.

RUSSELL: Downtown Long Beach?
[REDACTED] Yes.

RUSSELL: When did you, when did you move into this place over here?
[REDACTED] September.

RUSSELL: September of last year?
[REDACTED] This year. Oh, yeah, last year. It's '92.

RUSSELL: Last year. Yeah.
[REDACTED] We haven't been there very long at all.

RUSSELL: Where did you live in, uh, [REDACTED]
[REDACTED]

RUSSELL: How is it he put himself through, did he put himself through the Alaska Police Academy?
[REDACTED] Yeah. I'm sure he did. Yeah.

RUSSELL: Was he living there or what was . . .
[REDACTED] He was living in Alaska, yeah.

RUSSELL: How come he never, never pursued the career.
[REDACTED] He was too old. He tried. He was 35 when he came back to California and that was too old to pursue that kind of career. They wouldn't accept him in the police force. They have an age limit whether they have to, where they're allowed to or not. Thirty-five was kind of a cut off time.

RUSSELL: Okay, so he was just security conscious when he heard the

noise and he went and got the gun.

Yeah, he was just security conscious.

[REDACTED]
RUSSELL:

Did he, uh, did you, was there any conversation at all between [REDACTED] the police officers? Did he say anything?

[REDACTED]
RUSSELL:

Not a word 'cause I didn't know who it was.

Did he say anything to you? Did he . . .

[REDACTED]
No.

RUSSELL:

Nothing to you. Did he say, hey, uh, go stand over there or . . . ?

[REDACTED]
No.

RUSSELL:

Nothing like that.

[REDACTED]
No.

RAMOS:

I thought you were saying that he told you, or more-or-less directed you to find a spot like in the kitchen or something.

[REDACTED]
RAMOS:

No, it was sort of like a feeling like get out of this direction, you know. Like go through a ---*---.

Well did he, did he look at you in a different way? Or did he point? Or nod? Or talk with his hands?

[REDACTED]
No, he was going to the door and I just instinctively know to get into a safe area, you know, he's going to open the door. You know if there's somebody at the door you automatically think get of the area, move. You know that's how . . .

[REDACTED]
Especially if they beat on the door.

Well if they're beating on the door, my first instinct was to just get up and make sure I was mobile, you know, and not sitting there.

RUSSELL:

The, uh, has he ever, uh, has he ever gone to the door before with a gun in his hand?

[REDACTED]
Umm, one (1) time before.

RUSSELL:

That was here at the apartment?

[REDACTED]
No, it was in [REDACTED]

RUSSELL:

[REDACTED]
On [REDACTED]

[REDACTED]
Un-huh. Yeah, that's with some dude screaming and yelling in the hallway. Now I don't, I mean a lot of things

happened in [REDACTED]

RUSSELL: Is there a light there in the, uh, stairway?
[REDACTED] Yes sir. Hum-um.

RUSSELL: Okay.
[REDACTED] Yes, there is.

RUSSELL: You didn't see him look out through the peep hole there?
[REDACTED] I, I had my back was turned, but I know he did 'cause he always did. He looked through the peep hole even if there was a noise. ---*---

RUSSELL: Okay now, you say, you say you were in the kitchen?
[REDACTED] I was . . . here's . . .

RUSSELL: Let me, let me draw. I, I just . . .
[REDACTED] Here I'll draw it.

RUSSELL: Okay. And I just kind of peeked up there a little bit before we came down here.
[REDACTED] Here's the, here's the door. Here's the neighbor's door. Here's our door.

RUSSELL: Okay.
[REDACTED] This is where he was. This is where I was. Then he went in, I guess the door opened. The next thing I saw, I was here in the corner. Here's the table. The door has holes in it and he was on the floor.

RUSSELL: Okay.
[REDACTED] And I didn't know who was shooting.

RUSSELL: Okay. So initially you were here.
[REDACTED] I didn't know who was shooting at him, and I was scared. And, then police came and I didn't know what they were doing there. I didn't know. And he handcuffed me and he took me away and Sylvan was on the floor. He was on the floor dead.

RUSSELL: Okay, uh, when the officer came . . . after the shooting did the officer say anything to you? Or did he make any statement?
[REDACTED] He said put your, he says put your hands up, and I put my hands up and he handcuffed me and he put me on the floor. And I said, he's shot, he's shot. Why did you shoot him? Why did you shoot him? Help him. Help him. Help him.

RUSSELL: How many . . . Okay, take a, take a minute here. Now...
[REDACTED] I need water [REDACTED] I need water. I can't breathe.

RUSSELL: Try and take a deep breathe.
[REDACTED] He shot him. He shot through the door. He did.

RUSSELL: Okay. Now . . .
[REDACTED] The door had holes in it. That's what I saw.

RUSSELL: How many, how many officers were there?
[REDACTED] Just one (1). One (1) came to me, and one (1) next to
Sylvan on the floor. And, handcuffed him and kept him
down and there was a puddle of blood underneath him. And,
he was breathing hard and he was looking at me. He, help
me. Help me.

RUSSELL: Okay, did . . .
[REDACTED] I couldn't he wouldn't let me see him. They wouldn't let
see him. They wouldn't let me. [REDACTED] he left me
alone. I love him so. He can't be gone. He can't be
gone.

RAMOS: Here's your water.
[REDACTED]

[REDACTED] They shot through the door. They didn't even know who he
was. He loved the police. He loved the police. He loved
them --**--. He wanted to be a policeman and they shot
him. He wouldn't. He said, he wouldn't.

RUSSELL: Other than the one (1) officer that told you to put your
hands up, was there any other conversation by any of the
other, the other officer or the other that told you to put
your hands up?

[REDACTED] Not that I could see. I was just telling him to help him,
help him, please help him.

RUSSELL: Okay, did they converse between each other?
[REDACTED] 'Cause I didn't know. I didn't know.

RUSSELL: Okay. Now you said one (1) came over to you and . . .
[REDACTED] They came to me. They came to me. They handcuffed me.
They put me on the ground and I was by the wall. And I
looked at Sylvan and he was there and they wouldn't let me
and he had blood, lots of blood. And they shot through

the door and I saw the hole in the door. And, the guy was down on the step. And, they called the paramedics. They said they were calling the paramedics when I told them to help him. Help him. What happened? What happened? Help him.

RUSSELL: Okay, now when, when, how far did [REDACTED] open the door?

[REDACTED] Sylvan! I don't know. All I know is the door opened with bullet holes in it. I saw the bullet holes when it opened. [REDACTED]. I don't know. I don't know.

RUSSELL: Couple, couple more questions, uh, [REDACTED] and then we're going get, then we're going to get out, out of here.

RAMOS: Could you describe, uh, Sylvan to me?

[REDACTED] Sylvan.

RAMOS: Yeah, was, was that [REDACTED] that came in with the white shirt?

[REDACTED] No, that's [REDACTED]

RAMOS: Oh, that's [REDACTED]

[REDACTED] That's my, with white shirt?

RAMOS: Yeah.

[REDACTED] Yeah.

[REDACTED] No, that's [REDACTED] that's got the blue shirt on.

RAMOS: Okay. What . . .

[REDACTED] had a white shirt.

RAMOS: Okay.

[REDACTED] He looks like [REDACTED]

RAMOS: Okay, how, how tall is he?

[REDACTED] He's 5'11". He weights a hundred and ninety-five pounds (195) because he lost five pounds last week.

RAMOS: Okay. So, so as I stand up than is he about my size? Is he taller? Heavier?

[REDACTED] I don't know.

RAMOS: I mean can, can you tell?

[REDACTED] He's about your size. A little bit bigger.

[REDACTED] About your size.

[REDACTED] He's bigger than you.

[REDACTED]
RAMOS:

He might be a little bit shorter.

Huskier? Heavier?

Yeah. He's got dark brown hair, lots of dark brown hair...blue eyes. I never done this.

RUSSELL:

When, when did he get out of the Marine Corps [REDACTED] do you know?

I didn't know him then. He was very young.

RUSSELL:

Okay.

And, and he loved the Marine Corps. And he loved the police academy in. He loved his work and he loved ---*, loved me.

RUSSELL:

Did you hear, how many shot did you hear that you can remember?

I don't remember. It was a lot. All I remember is the door opening with the bullet holes in it. It's all I can see now. That's all I can see and the blood. I want to see [REDACTED] I want to see him. I want to see [REDACTED]

RUSSELL:

Probably, probably after tomorrow.

Why can't I see him?

RUSSELL:

Well there's certain things that our Forensic people have to do as far as...collecting.

But I need to know.

RUSSELL:

You'll, you'll get to see him after they're through with there . . .

I want to see him.

RUSSELL:

We're not, we're not trying to, we're not being mean or anything by not letting you see [REDACTED] It's just, we have to, we have to conduct a through investigation [REDACTED] and, uh, and basically that's, that's the reason. It's, you know, they're going to be collecting evidence off of [REDACTED] as far as . . .

I'll tell you, I don't understand the evidence. What evidence?

RUSSELL:

Well . . .

Why did they shoot him?

RUSSELL:

We don't, we're, that's what we're trying . . .

[REDACTED]
RUSSELL:

. . . why did they shoot him?

That's what we're trying to find out. That's our job. That's our job. Evidently, uh, you know . . .

[REDACTED]
RUSSELL:

. . . no evidently.

It be, it's because of the gun. That's, I mean we'll put it up front.

[REDACTED]
RUSSELL:

The gun was, couldn't been cocked.

He had . . .

[REDACTED]
. . . he didn't even have time to load it.

RUSSELL:

Well, you have to put yourself in the position, you know.

[REDACTED]
I don't want to talk about it.

RUSSELL:

Okay.

RAMOS:

All right.

[REDACTED]
I don't want to talk about it.

[REDACTED]
I don't understand . . .

[REDACTED]
. . . I don't want to talk about it . . .

[REDACTED]
. . . why she was handcuffed?

[REDACTED]
Why did I get handcuffed?

RAMOS:

It's basic, it's basically procedure on, on something like you . . .

[REDACTED]
They took it off [REDACTED]

RAMOS:

You go in, any kind of shooting, any kind of violence like that, and everybody in there is going to be handcuffed.

[REDACTED]
But there was no violence.

RAMOS:

Well . . .

[REDACTED]
Until the door got shot.

RAMOS:

Okay.

[REDACTED]
I mean . . .

RUSSELL:

But you have to realize the officers don't know whose inside the house, okay.

RAMOS:

So it's done, it's done for everybody else's safety involved. There safety. [REDACTED] safety. The, uh, it is our understanding as we stated they came, they see the door open, there's somebody with a gun they don't know how many other guns may be in the apartment. How many other people may be in the apartment. They just do it and it's safety and, uh, make sure that anybody else in there not have

access to any other weapons.

RUSSELL:

Okay, I think, uh, I think we got enough.

Okay.

RUSSELL:

We'll, we'll go ahead and end the interview. Then now the time is, uh, 2215.

(END OF INTERVIEW

SIDE 1, TAPE 1)

(X) INTERVIEW () CONVERSATION () TELEPHONE

NAME OF INTERVIEWEE: LAURIE WIEBOLD
IRENE DALTON

DATE/TIME OF INTERVIEW: JANUARY 23, 1993 - 2035 HOURS & 2125 HOURS

LOCATION OF INTERVIEW: 3572 HOWARD STREET, [REDACTED]

CONDUCTED BY: INVESTIGATOR H. STRAND, OCSD, HOMICIDE

TRANSCRIBED BY: E. HARGRAVE, OCSD, INVESTIGATION DIVISION

---*--- (DENOTES INAUDIBLE PORTIONS OF TAPE)

STRAND: Testing 1, 2, 3, 4. Testing 1, 2, 3, 4. Okay, today's date is, uh, January 23, Saturday. The time now is, uh, 2035. Uh, the interview is occurring at 3572 Howard,

[REDACTED] Uh, we're interviewing a [REDACTED]

[REDACTED] And, my name is, uh, Hans Strand. Okay, [REDACTED] could you, uh, explain from the beginning, uh, when you heard the disturbance and then called the, uh, police department?

[REDACTED] Well when I came home my apartment was hot, so I went and opened the slider and heard a fight or heard loud noises. And they've been, you know, parties and disturbances previously. So I went out on the porch to see what was going on 'cause I thought maybe I'd yell at the people to be quiet. And, uh, in the past it's been from the other building but when I walked out there I could tell it was up there. Uh, [REDACTED] was sobbing pretty hysterically and if [REDACTED] was talking I couldn't understand what it was. Uh, what I heard at first was that he said, uh, you know, I don't know exactly the order of this and I'm concerned about that because I'm an English teacher, but he said, uh, either don't do anything again to make me hurt you, or, don't do anything to make me hurt you again. So I was concerned for [REDACTED] safety at that point, uh, because of how he said it. And, uh, [REDACTED] reaction was, there seemed to be

a lot of movement in the apartment at that time and [REDACTED] reaction was . . . take my credit cards . . . take my keys . . . here's all my money . . . here's everything . . . I'm out of here . . . I'm history . . . and then I was waiting for [REDACTED] to leave. I thought of going up there but I didn't think that was what I should do. And, after a few minutes when [REDACTED] didn't leave and [REDACTED] was still real upset, crying and stuff, I didn't hear anymore conversation that I could make out. But I could tell [REDACTED] was still really upset and it didn't seem like [REDACTED] was going to leave that, um, I called.

STRAND:

Okay. Um, what time, um, did this happen that, uh, you called the Sheriff's, or ah, dispatch, the police department here.

Well they probably know exactly when I called. But you know I can't, I don't know if it was 5:30 or 6:30. It was around . . .

STRAND:

. . . around that time?

Yeah. Probably 5:30.

STRAND:

Okay. Then did you hear the officers arriving?

Hum-um.

STRAND:

Okay.

I was on the phone to a friend, and I said, hang on a second I think the police came. Then I walked out and they were, they didn't know where to go so they, they had stopped up by the first apartment and I waved them down here 'cause I could tell they were still arguing. And he came and, uh, started to walk up the steps and I started to close the door. But then the [REDACTED] that lives [REDACTED] [REDACTED] was coming around and [REDACTED] had some kind of piece of furniture with [REDACTED] 'cause [REDACTED] And, uh, he said, get back, get back, get back. And, uh, then, you know, I, I shut the door. And, uh, I just heard all the, I heard all the shots. Uh, one of the other officers asked me how many there were? I don't know. I couldn't, I have no idea how many shots there were 'cause I've never heard that before. Uh, it sounded

like, I didn't even think it was shots because it sounded like a play machine gun or something. And then when I heard that then I went outside and I heard wheezing and obviously, you know, terrible things had happened up there and somebody was very injured because they were having difficulty breathing. And, uh, [REDACTED] said, help [REDACTED] help [REDACTED] please help [REDACTED]. And then after awhile, you know, it was obvious that it was hard to, uh, it was hard, [REDACTED] wasn't following directions and [REDACTED] was still real hysterical. Uh, and, uh, then [REDACTED] started saying, oh God, help [REDACTED] help [REDACTED]

STRAND: Okay.

And then a lot of people started coming.

STRAND: Uh, did you hear any conversation between the officers and the people inside the apartment? No?

I can't, that doesn't mean there wasn't any though, I wouldn't of heard it because I shut the door.

STRAND: Okay. All right. So once you, uh, heard the officers arriving you went outside and then flagged them down to, to what, [REDACTED] And then directed them to the apartment?

Hum-um.

STRAND: And then once they started going up the stairs then you came back inside here and, uh, closed the door. And how much later was it when you heard the shots?

I'm hesitating because I'm trying to remember what I did. How far I walked and things to help me decide how long it was. Uh, uh, I don't think it was, it, it wasn't very long because I'd probably had walked . . . you know, I stood here for a little while and then I walked into the kitchen and I was in the kitchen and I was hearing shots.

STRAND: So it was just a matter of minutes?

Oh, yeah.

STRAND: Okay.

Very quickly. It was just . . .

STRAND: Okay. Uh, did you hear the officer's knocking on the door? Or did you notice if the door . . .

STRAND:

. . . no, I heard the knocking on the door.

Okay, so the door was closed upstairs?

Oh, yeah.

STRAND:

Okay, and you heard, uh, the knocking?

Hum-um.

STRAND:

Uh, did you hear them identify themselves when some, did somebody come to the door and answer?

I didn't hear anything verbal.

STRAND:

Nothing, just a knocking and then the shots rang out. Uh, uh, . . .

The shots seem like they were come . . . you know, I was over there, the shots seemed like they were coming down the hallway.

STRAND:

Okay.

You know, I wouldn't have thought that they were entering the apartment the way it sounded to me. It sounded like it was coming down here but, you know, I never heard gunshots before so . . .

STRAND:

Hum-um. Okay, and who was the person that was

STRAND:

Okay. Do you know what that is?

Hump-um.

STRAND:

Okay, what was doing? Was trying, was, or trying to take it in?

No. They, and I think it was, I don't know exactly if it was a chair or part of the table or something. But, you know, just, the officer had come from the front of the building and was coming from the rear of the building so probably did not see him . . .

STRAND:

Go, come around . . .

Come, you know, come around and so was just doing what would do. So as came around then was wanting to go upstairs with this piece of furniture, a chair or whatever it was.

STRAND: Okay, so then they're answering . . .
[REDACTED] . . . Uhm, but the officer was right here. Stay down, stay down, you know, get back...

STRAND: Was this after the conversation they had with you?
[REDACTED] And then [REDACTED] said [REDACTED] up there, [REDACTED] up there so [REDACTED] was upstairs by [REDACTED]

STRAND: Okay. Um, when you met them here, did you tell 'em that it was the apartment upstairs?
[REDACTED] Hum-um.

STRAND: Did you point it out to them?
[REDACTED] Hum-um.

STRAND: Uh, did you have any type of a discussion as to what had occurred or . . . you just basically said, okay, that's the one. That's the apartment up there and then you threw yourself into this then closed the door. Is that basically it?
[REDACTED] Hum-um. (long pause) You know, this isn't clear in my mind but I did talk to one . . . he might've asked me what I had. . . what I told the dispatcher and I told them that one sentence that made me call . . .

STRAND: Hum-um.
[REDACTED] . . . and I did have that conversation with the police officer. I don't know, I don't remember if it was the one coming up first or if it was somebody after the incident. It could have been at the beginning but I don't remember. (long pause)

STRAND: Okay, how many officers, uh, would you say?
[REDACTED] Initially around two.

STRAND: Two officers. Okay, and they were the ones that went upstairs?
[REDACTED] Um, I saw the one go upstairs and then I don't know what the other one did.

STRAND: Okay. Do you remember who, who it was, uh . . .
[REDACTED] . . . the person that I talked to was very tall and had greying hair.

STRAND: Did, did you see, uh, any chevrons on the sleeves or see

his name tag or . . .

I, I would recognize him again but, I didn't recall any identifying marks.

STRAND: Okay, now the tall and, uh, the officer with the greying hair, was he the one that went up the stairs? Okay, after contacting you? Okay. Where was the other officer?
Um, you know I can't tell you that.

STRAND: Okay, but you did see two?
Yeah.

STRAND: Okay. So when you were standing, when, when you went outside, when you heard 'em coming, you saw two officers coming . . .

. . . the one that, the one that I, I initially saw is not the one that went up the steps the first time . . .

STRAND: Okay . . .

. . . went up the steps.

STRAND: Then when, when they came, came up to this point here the, uh . . .

. . . and I was talking with the uh . . .

STRAND: . . . to the taller officer.

. . . the taller, the one with the greyer hair . . .

STRAND: . . . okay, you, you don't remember what the other officer went?

I, no it's not that I don't remember, I didn't see 'em.

STRAND: Oh, you didn't see 'em?

I don't know where he was.

STRAND: Okay. Then the taller one went up the stairs then you closed the door before you saw the other officer passing? (long pause) then once the shots rang out, um did you go back out?

No, I went to the patio.

STRAND: You went out that way?

Yeah, I didn't want to go, I mean . . .

STRAND: Okay.

You know I was not wanting to be out here.

STRAND: Okay. So you heard a shot . . .

I mean it seemed even when they first arrived, I mean it

seemed like, you know, this wasn't the place to be not till after the shooting I went on the patio. (long pause) You know when I went out on the patio the people in that apartment, I don't know who they are, but they're the

So, I would have imagined that they would have heard what happened after they were in the apartment.

STRAND: Alright. The uh, the to this where they like have a patio type thing or a veranda they go out to . . .

. . . Um, yeah . . .

STRAND: . . . a little slider.

Yeah.

STRAND: Okay. So is it possible that could have seen what happened inside.

I would, you know I mean it really wouldn't be worth checking out. I didn't really see any faces over there, I just when I went out to the patio, I just remember

window over there but they would have been more at a , maybe those people you know I don't know what they can see It was loud enough I would imagine if they would, if they would've been home they could have heard it.

STRAND: Okay . . .

. . . listen to their conversation . . .

STRAND: . . . Uh-huh. Okay, when you went out to the patio, uh what did you hear or see?

When I went out to the patio, um see I didn't really think these were gun shots but when I went out to the patio um immediately struck by someone, obviously injured because they couldn't breath . . .

STRAND: . . . so you heard the wheezing . . .

. . . they were wheezing . . .

STRAND: Okay, you heard the wheezing from out there?

Hum-um.

STRAND: And then uh, you heard uh was it . . .

[REDACTED] . . . well I, I was trying to figure out who was talking because there was, there was trying to um, I don't know, deal with, I, I, don't like saying that, like that, there was someone trying to comfort [REDACTED]

STRAND: Hum-um . . .

[REDACTED] . . . and try, trying to probably get [REDACTED] away or restrained [REDACTED] under control somewhat . . .

STRAND: Hum-um . . .

[REDACTED] . . . because [REDACTED] was real hysterical . . .

STRAND: Hum-um . . .

[REDACTED] . . . and then um, there were lower voices calling the paramedics.

STRAND: Hum-um . . .

[REDACTED] . . . and [REDACTED] kept screaming you know um, help [REDACTED] help [REDACTED] and then after awhile it was, oh my god, help [REDACTED] help [REDACTED] and then the loud wheezing went on for fairly a short period of time and then you know, there was a change in his, you know, response as, I mean I just figured he was in bad shape because he, you know it wasn't quiet but it was very different reaction, physical reaction and [REDACTED] was getting more, you know, it wasn't getting any calmer at all.

STRAND: Okay, then uh, what happened after the uh, the change in the uh sound of the wheezing?

[REDACTED] All, the sound in the wheezing, all that happened before, you know, that didn't take very long and they, the sound in the wheezing happened before the paramedics. I mean, before they were calling the paramedics . . .

STRAND: . . . Hum-um . . .

[REDACTED] . . . I mean they, they were doing that right away but it, you know, he changed, I mean his body changed in ways sooner even before they could get on the phone to call the paramedics.

STRAND: Okay . . .

[REDACTED] . . . so one officer, you know, one voice was telling the other voice the address and was helping the other, the person talking to the paramedic people and telling them

what to say helping to know the information to say.

STRAND:

Okay, so you heard male voices from up stairs, uh possibly either on a telephone or on a radio?

Talking to someone, calling it in somehow . . .

STRAND:

. . . calling and requesting for like paramedics and things of that sort.

And then the other person, you know, you know and [REDACTED] would, help [REDACTED], help [REDACTED] and someone else would be saying uh the ambulance has been called, the ambulance is coming, the ambulance is coming.

STRAND:

Hum-um. Then uh, did other officers arrive . . .

. . . um . . .

STRAND:

Did you remain out there in the patio this whole entire time or . . .

. . . that wasn't a very long time, all that, I mean you know that happened . . .

STRAND:

. . . matter of minutes . . .

. . . pretty quickly, um after that um I think I came out here and I and I opened the door and um you know noticed that [REDACTED] was home, you know the [REDACTED] was out and um, um you know, we just kind of exchanged a little bit, and you know, I can't really tell you for sure how fast or when, the you know, lots of people were coming by then.

STRAND:

Okay, then once, once the paramedics and other officers arrived um, what happened?

Um, I mainly stayed in here. Um, uh I did go back out and ask an officer if I could leave and um he asked me if I was the person that had made the call and I said yes so he called to verify that with the station and um, to see if they had the information they need needed and um then he, because he thought if they did then I might be able to leave but then um, he said that I needed to stay.

STRAND:

Okay. That, that was basically it? Uh, did you see um, was it [REDACTED] was it, [REDACTED] right? So did you see [REDACTED] uh . . .

. . . [REDACTED] was um, the man [REDACTED]

[REDACTED] you know, um [REDACTED]
[REDACTED] so, see they weren't home when the fight
came, they came later so I knew [REDACTED] want to help, I mean,
[REDACTED] you know not real well but um
[REDACTED] came down the steps in um in hand cuffs and surrounded
probably by maybe by three officers. There was a woman
officer by that time and then they moved [REDACTED]

STRAND:

[REDACTED]
Hum-um.

STRAND:

Okay.

[REDACTED] was still . . .

STRAND:

. . . Upset. Okay, uh was there something that we may
have missed covering that you can recall?
Well the information that I have, that's further than this
came from talking to people across . . .

STRAND:

. . . other people, okay something that's, well I want
something that's independent that . . .

[REDACTED]
Right, um I can't think of anything because my main, you
know, it's just, you know he said that, you know don't do
anything to make me hurt you again or whatever that word
was but I mean it was really steely tone of voice um, I
had, I don't know if this is important but um, I, he, um,

[REDACTED]
[REDACTED] had asked me to ask [REDACTED] to help me with that and
when I had gone up he wanted my keys again. That was like
before Thanksgiving when I had gone up to ask him to do
that he had been drinking um, and so when I heard the
altercation, you know, I was trying to figure out if I had
thought he had been drinking or not um, you know, I, I
mean obviously I can't tell from a voice but his voice was
very steely and very, I mean his tone of voice made me
fearful to besides what he said.

STRAND:

Okay, when uh, he made the statement, uh was there any
mention of a weapon?

[REDACTED] Huh-uh, never heard him say anything about a weapon.

STRAND:

Nothing?

Huh-uh.

STRAND:

Okay, uh what about in the past, uh when arguments occurred, uh was there any ma, ma, mention of weapons or

. . .

. . . [REDACTED] . . .

STRAND:

Huh-huh . . .

. . . and I haven't heard them argue before.

STRAND:

Okay, so this is the first time you heard them arguing?

Hum-um.

STRAND:

Okay. End of interview, um the time now is 2100 hours.
(END OF INTERVIEW WITH LAURIE WIEBOLD)

STRAND:

Okay, this interview is conducted in, [REDACTED]

[REDACTED] The time now is 2130 hours. The interview is,
uh of [REDACTED] I myself, Hans Strand. Um, [REDACTED]

[REDACTED] can you briefly go over uh, uh what you heard, um
just prior to the shots being fired.

Uh, there's like thuds and it sounded like, I thought
maybe someone had fallen down the stairs, kind of muffled
voices. I really don't, can't make out any words and then
the shots.

STRAND:

Okay. Now taking it back to the beginning, um you were at
home this, this uh evening?

Hum-um.

STRAND:

Uh, you heard the commotion next door?

Hum-um.

STRAND:

Okay. Could you kind of relate to me as to uh, from the
beginning . . .

Okay. Uh, just heard loud voices, yelling, um, almost,
you know banging doors or something at that point too and
so I went outside and I wanted to kind of hear if this was
going to get to a point where I needed to call . . .

STRAND:

. . . hum-um . . .

. . . for some assistance and um I heard, I heard [REDACTED]
yelling, um here's my credit cards, here's my money, I'm
leaving, I'm out of here and um but I didn't hear much

from him and, you know, I was trying to listen cause, you know, I was worried about something happening but it seemed like kind of die down, um and I could still hear them talking but I couldn't make out what they were saying at that point and then the police car came up just a short time later cause other people could hear . . .

STRAND: . . . hum-um . . .

. . . and um the policeman walked by and I said it was in apartment number four and I thought he said he would talk to me on his way back out.

STRAND: Okay. Then, uh did you hear, uh now as far as the sequence of events, um do you know as to what time it was when it initially was when you heard all the commotion?

Uh . . .

STRAND: You said you were having dinner.

Yeah, it was somewhere between 5:30 and quarter to six .

. . .

STRAND: Okay.

. . . because I think it was all over with by six. I mean it, I mean from the time I heard them yelling, uh, uh I don't know, it couldn't have been more than ten, fifteen minutes tops until the shots.

STRAND: So you were seated at the dining room table having dinner

. . .

Yeah . . .

STRAND: Okay and you could hear the uh . . .

I could . . .

STRAND: Is it, is it actually clear or is it like muffled sound that you could hear from up stairs or . . .

Well I could hear yelling . . .

STRAND: Okay . . .

. . . and um, and so I opened the [REDACTED] and went outside.

STRAND: Hum-um . . .

. . . and uh, because their windows are right there and, and so I could you know, I could hear her say . . .

STRAND: . . . about the card and . . .

[REDACTED]
STRAND:

. . . you know those words were --*-- . . .
Okay. I'm, I'm gonna leave, I'm gonna leave or something?
Uh-huh, uh-huh. Yeah, I'm leaving, I'm out of here and
then it kept talking you know, but [REDACTED] never left and so
. . .

STRAND:

. . . now as far as this uh, argument that was going on,
was there at any time any mention of a weapon?
Not that I heard. There's a window that closed you know

STRAND:

During the argument?

Yeah, during the arguing and after that window, I thought
it was maybe one of the neighbors but after it closed I
couldn't, like I said, I couldn't make out what they were
saying.

STRAND:

Hum-um.

I could just hear . . .

STRAND:

. . . like a muffled sound?

Yeah, yeah.

STRAND:

Okay, um did it sound like people were moving around up
stairs from one room to another?

Hum-um, hum-um.

STRAND:

Okay. Were there sounds of things being thrown?

Initially, it kind of sounded like that to me and then I
didn't hear that.

STRAND:

Okay. Were there h,heavy objects or . . . you couldn't
make it out?

I couldn't make it out.

STRAND:

Okay. Then um, did you come back inside?

I came back inside once the policeman drove up.

STRAND:

Okay, now did you see the officer or hear the officer
arriving from the patio?

Hum-um, I heard his police radio from the car.

STRAND:

Okay. Alright, so then that's when you came back inside?

Hum-um . . .

STRAND:

. . . and then went out the front . . .

. . . I just stood at the door cause he was kind of, you
know walkin' up . . .

STRAND: . . . did you uh, did you see the officer, uh tall. Can you describe the officer to me that showed up, tall?
Kind of older, greying . . .

STRAND: greying, okay . . .
Um, I couldn't tell you if he had a mustache or not. I think he did, I don't know.

STRAND: Did he have any chevrons or on his sleeve?
I couldn't tell you.

STRAND: Okay. So he's the first officer that arrives . . .
. . . huh-uh.

STRAND: . . . and then uh, through the doorway, you told him it was apartment four . . .
. . . huh-uh.

STRAND: . . . and then he said I'll talk to you on the way back out?
Huh-uh.

STRAND: Okay. Was that the only officer that you saw?
That was the only one I saw.

STRAND: Okay. So as he's walked toward the apartment, you closed the door and came back inside.
Hum-um.

STRAND: And then you didn't go back out?
No.

STRAND: And while you were inside here was when you heard the shots rang out?
Yeah, I was kind of um, you know, he came in and I thought, you know, well it would be interesting to know how this goes, you know, a police going to a fight and stuff and um then I heard

STRAND: Hum-um . . .
. . . and so, you know, I was when heard the banging and kind of commotion there at that point and then the shots.

STRAND: Okay uh, at any time did you hear uh, the knocking at the door?
Uh, I didn't hear a knocking sound.

STRAND: Okay. What about somebody saying police?

I didn't hear that.

STRAND: Okay.

I could hear kind of voices but I couldn't make out any words.

STRAND: Okay. Um, so you couldn't tell where exactly the officers were um outside of the voices?

Huh-uh.

STRAND: Okay

I, you know, I thought someone had like fallen up the fallen down the stairs. I didn't know if he was shooting at the policeman as they were leaving, you know, I didn't know.

STRAND: Okay. Uh, w, were you able to tell if, when the officer went by here, uh, did you hear him going up the stairs? I didn't.

STRAND: Okay, so basically you saw the officer walk in that direction, closed the door . . .

. . . hum-um . . .

STRAND: . . . and then everything else was basically muffled sound . . .

. . . hum-um . . .

STRAND: . . . coming from the, that direction upstairs?

Yeah.

STRAND: Okay. Then you heard some, something fall like a thud? Yeah. There, there was something that happened, you know, like somebody up against the wall or something. There was a thud and kind of muffled voices at that point . . .

STRAND: Okay . . .

. . . and then the shots right afterwards.

STRAND: Okay. So you couldn't tell if it was the police talking or the people in the apartment talking . . .

Right, right.

STRAND: Okay, um, okay, can you tell me how many shots uh, one to five, one to ten?

Probably at least five.

STRAND: At least five?

Yeah.

STRAND: Okay.

And I remember hearing two thinking, that's two and it kept going.

STRAND: Okay. So it would've been more, more than one?

Hum-um.

STRAND: Five, more than five?

More than two, five, six.

STRAND: Okay. But was it all in, in a succession or was there a break?

Uh, pretty close together kind of a boom boom, you know maybe a pause and then boom boom boom.

STRAND: Okay.

You know, I don't know the exact . . .

STRAND: Okay. Now did the sounds sound all the same? Meaning uh, you know, different calibers.

Yeah, different kinds . . .

STRAND: . . . the uh reports a little bit different. I don't know if you're familiar with, with . . .

I'm really not, I'm trying to think, I'm trying to think . . .

STRAND: Okay, okay, no problem.

I really couldn't give you an honest answer on that.

STRAND: Okay. Okay once, once you heard the shots, uh what did you hear after that?

All I hear after that was, a brief period later I think I went to the door or maybe I heard it through window, you know, they were probably calling the ambulance because I heard say oh hurry, you know, please hurry.

STRAND: Okay. So you could actually hear at that point?

I heard say that.

STRAND: Okay. From right out here.

I don't even know where I was, if I was . . .

STRAND: Okay. Once the shots, once you heard the shots did you go out the front, go out the back or did you stay inside . .

No, I was and I was inside. I was when you came in wasn't I. You came in through the front

door.

UNKNOWN: Yeah I came in through the front door and you were right there [REDACTED]

[REDACTED] And I was right here.

STRAND: Okay and that's when you heard [REDACTED] saying help my husband or something to that affect? Call the paramedics.

[REDACTED] I think I was still [REDACTED] when I heard [REDACTED] say that. Yeah, it, it was such a blur that's all.

STRAND: Okay. No problem. And then you came back down?

[REDACTED] Huh-uh, I got [REDACTED] and I just came down stairs.

STRAND: Okay. Then that's when [REDACTED] walked in?

[REDACTED] Huh-uh. [REDACTED] walked in just right after that.

STRAND: Okay, okay uh now is there anything that you missed covering uh, I understand this is all traumatic.

[REDACTED] Yeah.

STRAND: So what I'm trying to do is put it in some sort of chronological order so we can figure out what exactly happened.

[REDACTED] Hum-um. The only thing I wonder is I just keep trying to make it firm in my mind is when I was [REDACTED] just prior to the shots happening, if I heard someone say like no, you know, something like that and that is, and I think that, and now did that really happen or am I just thinking that but other than that, that's the only thing.

STRAND: Okay. Then you stated that uh, there was no mention of a weapon?

[REDACTED] Not that I heard. I thought it was kind of weird that [REDACTED] kept saying you know, over and over I'm leaving, I'm out of here, I've had enough but [REDACTED] never left.

STRAND: Okay but uh, you um, did the commotion sound like that somebody was actually being hurt or they were just kind of moving around and then arguing back and forth?

[REDACTED] Yeah, um I don't know, I mean at first it was really loud and somewhat kind of violent, you know, and I thought cause it was grabbing my attention but then I seemed to kind of . . .

STRAND:

. . . taper off . . .

. . . taper off, so.

STRAND:

Okay. Okay end of interview uh the time now is uh 2140 hours.

COPY

DR NUMBER: 93-04064

VIOLATION: OIS

(X) INTERVIEW () CONVERSATION () TELEPHONE

NAME OF INTERVIEWEE: BETTY WHEELER

DATE/TIME OF INTERVIEW: JANUARY 23, 1993

LOCATION OF INTERVIEW: [REDACTED]

CONDUCTED BY: INVESTIGATOR H. STRAND - O.C.S.D. - HOMICIDE

TRANSCRIBED BY: MARY ALICE GARCIA - O.C.S.D. - INVESTIGATIONS

---***--- (DENOTES INAUDIBLE PORTIONS OF TAPE)

STRAND:

Okay, this is an interview being conducted at [REDACTED]
[REDACTED] Uh, the
time now is 2300 hours. Uh, this is an interview of,
uh, [REDACTED] and myself, Hans Strand. Okay, [REDACTED]
could you, uh, briefly explain, uh, what you, uh, heard
or observed, uh, earlier tonight?
Well, I was on my way [REDACTED] and there was
an officer [REDACTED] and he wouldn't let me go
[REDACTED] He
was, I didn't know whether he was [REDACTED] their
door because it looked like he was over [REDACTED]
The [REDACTED] said, you know, opened [REDACTED] door and
told me, no, they're not at your place [REDACTED]
[REDACTED] I was
unloading from the [REDACTED] and I didn't know what was
going on. Just a cop standing up there and it looked
like he was in [REDACTED] and I panicked. I mean,
and he just kept saying go away, go away. I said what
do you mean go away [REDACTED]. Don't, I can't
go away. And then another one came up the walkway and
he says get out of here, get out of here. And it was
like, and I looked and I said, can't I just, then let me
[REDACTED] and they said, get out, get out,
and you could tell they were like listening to what was

being said up there. And I realized that they weren't standing there like it was just gonna be a knock on the door and I told [REDACTED] I said get on the floor. [REDACTED] thought I said open the door because I was carrying stuff and [REDACTED] scared the hell out of me then. [REDACTED] headed for the door opening and, and I'm screaming no, no, not the door the floor. Don't open the door. And they're screaming at [REDACTED] to close the door and it just all of the sudden fire was everywhere. They were banging on the door, first they banged on the door, they kept saying open the door, open the door. And I think they said it was the police officers, open the door. And then you could hear them saying, I want to see your hands, show me your hands. I want to see your hands. Show me your hands now. I mean, I don't know how many times, and then all of the sudden just flashes and guns going off like crazy. It took a while before I heard [REDACTED] so of course I was panicked. I thought they were going [REDACTED]

STRAND:

All right. About what time would say, uh, this thing started?

STRAND:

About what time it happened? Somewhere between five thirty and six.

STRAND: Five thirty and six...

...I, I couldn't tell you exactly what, I, I left here about twenty after we stopped and got gas.

STRAND:

So somewhere between...

...it was between five thirty and six, I couldn't tell you exactly what time.

STRAND:

Okay, now...

...when [REDACTED] you lose all reality of time in the first place.

STRAND:

Uh, you were [REDACTED]?

Yeah, I had a [REDACTED] in my hand at the time.

STRAND:

Okay, now, uh, did you have a truck or a van that was parked in the rear of the complex?

Uh-huh. [REDACTED]

STRAND: Okay, then you were [REDACTED] from there and walking down the, uh, walkway and then you were gonna [REDACTED]

[REDACTED] Right.

STRAND: Right. [REDACTED] okay. Now what, at what point did you, uh, see the officer when you...

[REDACTED] ...when I headed up and I, you know, it's a little, you've been there, you know...

STRAND: ...yeah, it's narrow, real narrow...

[REDACTED] ...it's real skinny. And I was [REDACTED] it's probably this wide so I've got it kind of up over my head because I need to see where I'm going and judge these walls. And, uh, I looked up and he was there and of course it scared the hell out of me because I, I didn't know if something had happened, you know, it was all going on a few minutes. And he was there at door telling me get away, get away. And I said, wait a minute, [REDACTED]

STRAND: Okay, you, you first saw one officer...

[REDACTED] ...one...

STRAND: ...at the top of the stairs standing next to your door? Yeah, and the other one, I don't think, he wasn't on the stairs. I think he came walking up after I'd been run back down...

STRAND: ...back...

[REDACTED] ...down 'cause I, I was just getting ready to get up the steps when he, he seen me and told me to go. And then the [REDACTED] I must of been right there at the, at the flat part because [REDACTED] opened [REDACTED] door and [REDACTED] said, no, no, they're not at your place.

STRAND: Okay, the people...

[REDACTED]

STRAND: [REDACTED]

[REDACTED] No, [REDACTED]

STRAND: Okay.

[REDACTED]

STRAND: [REDACTED]

[REDACTED]

STRAND: And then you started for the stairs and the officer up on top of the stairs says to go back down, okay.

[REDACTED] ...he told me get out of here.

STRAND: Get out of there. Okay, is that the words he used?

[REDACTED] Yeah, he said get out of here, get out of here.

STRAND: Okay, now...

[REDACTED] ...he was motioning with his hand to get out of here.

STRAND: Okay.

[REDACTED] And I couldn't even tell you what he looked like.

STRAND: Oh, the officer?

[REDACTED] It looked like the back of him.

STRAND: The back, okay. Okay, did he have greying hair, tall or...

[REDACTED] ...all I can tell you is it was white guy. He was kind of standing like this, you know, like he was...

STRAND: ...leaning, listening on the door?

[REDACTED] ...yeah.

STRAND: Okay.

[REDACTED] Like he was listening and just kind of turned around like this, you know, motioning for me.

STRAND: Okay.

[REDACTED] I couldn't, [REDACTED] knows a lot of the officers around here from living here for so long.

STRAND: Uh-huh.

[REDACTED] And he kept asking me what did he look like, I said I couldn't tell you what he looked like. I might recognize him if I saw him. The younger one, I, there was a younger one I think that came up next. I couldn't even tell you for sure. It just happened so fast and it was so unreal. It's like something that happened out of a movie scene. It's not something out of your life.

STRAND: Okay, so the officer motioned you and also told you to get out of there so you back down?

[REDACTED] Yeah, I kind of stepped back [REDACTED] told me it wasn't, I said well let me just [REDACTED]

He said no. Or something to that, I know I was trying to [REDACTED] and they weren't going for it. I don't know words, what transpired or anything.

STRAND:

Okay.

They just kept telling me to shut up and get out of here. And they were trying to be quiet and I'm yelling

[REDACTED] I'm right here and, and just, 'cause when [REDACTED] opened the door and [REDACTED] seen the police officer then [REDACTED] got scared. And the next thing you know is all this...

STRAND:

Okay.

The most frightening thing is hearing [REDACTED] screaming. [REDACTED] help him. And they're saying well we can't do anything the paramedics are on their way. And I guess they had to cuff [REDACTED] because when [REDACTED] came down the stairs [REDACTED] was in cuffs.

STRAND:

Okay, so you back down and the [REDACTED] told you that they weren't at your apartment?

Yeah. They, [REDACTED] said they're not at your door they're [REDACTED] door and they were arguing.

STRAND:

Okay where were you standing, where were you standing then, uh, the second officer?

Right at the bottom, I don't...

STRAND:

...okay, so between the...

...exactly where I couldn't tell you...

STRAND:

...between the two apartments downstairs?

Or maybe one step back. I mean right, right there, I mean, I don't know if I was actually was, you know, by those two doors or whether I was back a step. I was right there envision of the stairs and everything.

Because I'm not taking my eye off [REDACTED]

STRAND:

Okay, and then the officer came around you?

See that's what I mean, I don't know where he came from. I assume he came up the walkway from the front but I don't know that for sure.

STRAND:

Okay.

Because I'm paying attention to what's going on here...

STRAND:

...all right, so you were already, he went by you?
He was, yeah, he was like telling me to get and I turned to see where [REDACTED] was because [REDACTED] was coming from behind...

STRAND:

...okay..
...and I didn't see [REDACTED] yet so I turned back this way and then he's there so he must've...

STRAND:

...okay...
...you know I don't know exactly I mean I wasn't paying attention to detail.

STRAND:

So actually when you saw him he was already next to you?
Yeah, it was like he was right there in front of me telling me, get, get. I don't know it just happened so fast. I, I mean, I wasn't paying attention to detail at all. It's frightening.

STRAND:

Okay, and then the second officer was a younger officer? I think he was younger. I, I could probably sit this close to him and not know him again. I mean it was just like I wasn't paying attention.

STRAND:

Okay, uh, and you remained there and then the second officer went up the stairs?
I, I guess, yeah, because they made, I just took one step over where they couldn't see me. I was still right there.

STRAND:

Okay.
But I didn't want them to see me there. I mean I'm standing there staring [REDACTED] was in there.

STRAND:

Okay.

STRAND:

And then you were calling to [REDACTED] to stay inside?
Yeah, I'm telling [REDACTED] to stay in the house and get on the floor. Because you could tell, you know like when the last time, you could tell that they were crouched over like the this and when, you know, the guns on the waist and they're like this you don't know what's gonna happen from all the movies you watch. And being around

it, I, so I just told [REDACTED] to get on the floor, they're not gonna let me go up it must not be safe, right? So I just told [REDACTED] to get on the floor and [REDACTED] thought I said open the door because I was carrying things so [REDACTED] cracked open the door and I screamed, no, not the door, get on the floor.

STRAND:

Okay. All right, then, then what happened?

STRAND:

Then that's whenever I heard 'em banging, you know.

STRAND:

Okay, then the officers knocked on the door?

STRAND:

Yes.

STRAND:

Which, which officer?

STRAND:

I wasn't, they wouldn't let me go over, I mean...

STRAND:

...oh, you couldn't see out that way?

STRAND:

...couldn't see...

STRAND:

...okay, so you were hearing this?

STRAND:

Yeah, I was only hearing conversation.

STRAND:

Right. So you heard the knocking...

STRAND:

...from that point on I only heard.

Okay, so you heard the knocking.

They were knocking n the door and they were saying open the door and I think they said police officers open the door. I said open the door. And then the next thing I heard 'em screaming was show me your hands, show me your hands. I want t see you hands.

The officers are telling him, whoever was inside?

I can't, I don't know, it did not sound like...

...oh, okay, so you couldn't tell...

...yeah.

Okay.

It did not sound like ---*--- voice it was still the same voice that was saying open the door. But who were those voices I don't know whether it was one or two or...

...okay, then, then, uh, what happened.

Then like I said I mean they were screaming let me see your hands, let me see your, and the next thing I know pop, pop, pop, I mean, there was so many popping. I

mean it was just like, it lit all the way down the stairs and it was bouncing off the brick wall there, you could see the flashes. [REDACTED] comes running out, [REDACTED] says [REDACTED] didn't know it was cops. [REDACTED] had no idea what was going, all [REDACTED] knows is that I'm on my way [REDACTED] and all these shots are being fired.

STRAND:

Okay.

It's, it's just real...

STRAND:

...okay, now, now the flashing or whatever you, you saw, was it rounds coming at you, in that direction...

...I don't think they were coming at, I don't know that they were coming at me. I didn't even think about that.

STRAND:

Okay. But you heard...

...I mean I keep...

STRAND:

...what is it, like sparks flying?

It was like light, I mean, you could see like flashes. I mean like...

STRAND:

...okay, so it wasn't like a debris or something coming at you then?

I don't think so. I didn't think about it, but I don't think so.

STRAND:

Okay, but you didn't hear things hitting the wall or, or, uh...

...believe me, if I would have heard I wouldn't have known it because I was too concerned that I had [REDACTED] up there and all these fires are going on and I don't hear a sound from [REDACTED] and, and [REDACTED] you imagine, my God, they're going through [REDACTED] not making any noise and finally [REDACTED] got up to the window and [REDACTED] started screaming that [REDACTED] was scared.

STRAND:

Uh-huh.

And until then I probably did not realize what was, I mean, it was just like, it was freaky, real freaky. That poor [REDACTED] up there screaming. You could hear him breathing so heavy and moaning. And then all of the sudden you didn't hear anything anymore and you hear [REDACTED]

freaking out and it's just like a nightmare. I, I just blocked it.

STRAND:

Okay.

It was horrifying. A once in a lifetime experience like, ooh.

STRAND:

Okay, how many shots would you say you heard?

Oh, God, I don't know.

STRAND:

Was it like...

...a lot...

STRAND:

...were they in rapid in successions?

Oh, it was quick.

STRAND:

Just boom, boom, boom, boom, boom...

...it was pop, pop, pop, pop, pop, pop, pop, pop, pop, over and over.

STRAND:

Okay, so...

...it sounded like they weren't going to stop.

STRAND:

Okay, but it, there wasn't a pause in between the shots or.

I don't think so.

STRAND:

Okay. Did it sound like...

...I really don't think so.

STRAND:

...there was several weapons being fired at the same time or?

I, I don't think it was one.

STRAND:

Okay, more than one?

'cause it was just, it was...

STRAND:

...back and forth, back and forth?

Yeah, it was too fast. I thought they were having a knock down shoot out up there and [REDACTED] was involved in the middle of it. I mean, to be perfectly honest I thought they were going [REDACTED]

STRAND:

Uh, as far as distinguishing the, the sounds it wasn't like a, a blast from a shotgun and then a handgun, were they all basically, uh, together?

I don't think so. It sounded more like a machine gun. Like it was all the same type, but see it's echoing in that hall so how do you know.

STRAND:

Yeah.

STRAND:

And I don't know what guns sound like.

All right and then after the shots then what happened? And that's when, I mean, I tried looking around to get back up there and, and, they're screaming, get out of here, get out of here, let me check on it, get out of here, get out of here. I mean, it was the same thing over. And screaming, you shot, help him, help him, and they're saying well the paramedics are on the way we can't do anything else so. I mean it was just crazy after that.

STRAND:

Okay.

I mean I felt so sorry for because they wouldn't let have anybody in there to talk to. Like, I mean, I, I probably can understand it. I don't know that I do but I probably can understand it but, you know, was hysterical.

STRAND:

Okay, was there, uh, uh, did they officers say anything about a gun, I see gun, I got a gun or?

He, no, I don't think so.

STRAND:

Okay, so all you heard was, was that show me your hands, show me your hands.

STRAND:

Yeah, they kept going, I want to see your hands...
...then the gunshots...

STRAND:

...I want, show me your hands, I want to see your hands.
Okay, then that's when the gunshots go off?
Yeah. And then before you know it then it was just pop, pop, pop, pop.

STRAND:

Okay, then after the shooting then the is screaming help

STRAND:

Yeah. And you can hear him breathing like...
...okay, was it like a heavy breathing or wheezing?
It was like...

STRAND:

...gasping...
...almost like asthmatic going into an asthma attack almost.

STRAND:

Sort of like a wheezing type of a sound?

Yeah. But moaning. It was like...

STRAND:

...okay, did the officer say, uh, show me your hands about how many times would you say they?

Oh, I don't know, probably a good three or four. I, I couldn't tell you. And I couldn't tell you if it was one voice saying or if it was two voices saying it. It was just happening too fast. I mean it was like you're in a state of shock that like God is this happening? I mean you work with it all of the time you probably don't realize it but it's like it's a real shock to the system. Especially, especially mo, just like [REDACTED] here because of cleanness and the, you know, crime rate and...

STRAND:

...uh, okay then the officer say something about the paramedics are on their way?

Yeah, they just kept telling [REDACTED] we can't do anything, the paramedics are on their way, relax, paramedics are on their way.

STRAND:

Okay, then...

...I'm sure [REDACTED] gonna relax.

STRAND:

Okay, then, then what happens?

Then I don't know, I mean, it was just like, it, within a matter of a couple of minutes people are running...

STRAND:

...other officers?

Yeah.

STRAND:

Neighbors coming out?

Uh, gees, you know, I don't even know when neighbors, I, I, it's just, it's a blur.

STRAND:

Okay, were you still there when all of this was happening?

I didn't leave right there until I finally talked, a lady officer, thank God she came up because she was so understanding. All these guys were saying, ---- you're not going up there. You can't go up there, you know, you can't understand you can't get up there. I

[REDACTED] I have to

go up there. [REDACTED] And finally some woman I guess with a little bit of heart understood and see, I mean, she, [REDACTED] in the window petrified. And finally the woman said, I'm going to go [REDACTED] And she said, excuse me, you guys, I'm going [REDACTED] She went up brought [REDACTED] Okay. Okay, then once you got your daughter down. Then we just stood out there because they said we couldn't leave we couldn't do anything, you know.

STRAND:

Okay.

I, I used the neighbors phone to call [REDACTED] because [REDACTED] lives so close if [REDACTED] seen all that commotion going on [REDACTED] be scared to death.

STRAND:

Uh-huh. Okay. Uh, then you remained there until, uh, somebody contacted you about if you heard or saw anything?

Yeah, uh, an officer talked to, uh, [REDACTED] and they just got my name and address at that point and asked to see my ID. They got my driver's, looked at my driver's license. And all that kind of... ...was it Seal Beach or Los Alamitos Officer?

STRAND:

I think it was Cypress to be honest.

STRAND:

Cypress? Okay.

Uh, and then, uh, later on, when we were just about determining we were gonna be able to get back into the house and he talked us into coming over here 'cause I didn't want to leave. I wanted to get into the house. And, uh, and the other one said has anybody talked to you and I said, well, they got my name and address and that's about it. But they did talk to [REDACTED] and so he said, well, and this was I think a Long Beach, maybe, yeah, I think he was Long Beach.

STRAND:

Los Alamitos.

No, I think it said Long Beach.

STRAND:

Seal Beach?

Maybe Seal Beach. I seen Beach on...

STRAND:

...okay...

[REDACTED]
STRAND:

...his sleeve. And he took me up front and was talking to me and then he called [REDACTED] and he talked to [REDACTED] And then you came, after that you, did he release you and you came over here?

Yeah. And I asked, he asked a couple of guys that he [REDACTED]..

STRAND:

...uh-huh.

To call us here and he gave them this number to where we'd be.

STRAND:

Okay.

That we could go home. I mean it just happened so fast I, I don't know how accurate details. But as I remember it that's what happened. It was more frightening than anything I've ever been through in my life.

STRAND:

Okay, let me take it back up from the top. Uh, you were [REDACTED] sometime around five thirty, six tonight.

Uh-huh.

STRAND:

Okay, uh, you had, uh, what was it, a [REDACTED] that you were carrying upstairs?

I had a [REDACTED]

STRAND:

You had a [REDACTED] Okay, and you were walking up and then you noticed, uh, an officer at the top of the stairs and then he called out to you he says get out of here...

...uh-huh...

STRAND:

...something like that. And then...

...I may have said to him first what's going on because it looks like he's [REDACTED]

STRAND:

Okay.

I mean, otherwise he might of not heard me, I think I might of, now that I think about it, I probably said, what's going on.

STRAND:

Okay, then he told you to get out of there so you started back down, okay.

WHEELER:

I just kind of, you know, backed out but I didn't go anywhere I just kind of backed, I'm still telling him, you know, what's going on.

STRAND:

And that [REDACTED]

Yeah. I said [REDACTED]

STRAND:

Okay, then you saw a second officer standing here?

Yeah, he was there, I don't know if he was there but I don't think he was there the whole time.

STRAND:

Okay.

You know, I think he must have came up when I turned around and looked the other way. I don't know, I just, I remember the being there. I don't remember them both being in front of me.

STRAND:

Uh-huh.

And that may be from shock, wow, what's going on here. I, I don't know but I think he came up the walk way.

STRAND:

Okay. And, uh, you kind of stepped back around the corner...

...until, until they were, uh, like heard the bang on the door, I mean, until I realized...

STRAND:

...okay, so then the second officer goes up the stairs...

...yeah...

STRAND:

...and then they're both on the top...

...the last I seen of him he was like maybe half way and the other one was up there but then I stepped over, so it would be like I was standing right here and the door was right there. I wasn't going far not with [REDACTED] upstairs. If [REDACTED] hadn't have been up there I would have been out in the back gate. I wouldn't of stuck anywhere.

STRAND:

Okay.

?:

STRAND:

Then, uh, then you kind of backed around the corner so now you can't see what's going on, on top of the stairs? I can't see, I can only hear.

STRAND:

Okay, so then you heard the knocking by the police...

[REDACTED]
STRAND:

...a banging, yeah...

...banging. Then you, you possibly heard them say, police, open the door?

[REDACTED]
I don't know if they said police I, I, you know, I'm, I'm almost sure.

STRAND:

Okay.

[REDACTED]
They were saying open the door, police, open the door. I said open the door. And then the next thing you know I'm hearing 'em say let me see your hands, I want to see your hands.

STRAND:

Okay.

[REDACTED]
I just, it happened too fast.

STRAND:

And then...

[REDACTED]
...I wasn't paying attention to detail.

STRAND:

Okay, then you heard the shots.

[REDACTED]
Yeah.

STRAND:

Okay, then you see sort of like a flash from the...

[REDACTED]
...well, I'm standing there looking like this up the stairs. The, the doorway is right here...

STRAND:

...right...

[REDACTED]
...you know, to the stairs.

STRAND:

Uh-huh.

[REDACTED]
And I'm just standing right here and I'm staring at this window holding this leaf in my hand.

STRAND:

Uh-huh.

[REDACTED]
And when I hear it I kind of looked like this and it's just, you can see the light. You can see the flashes.

STRAND:

Okay.

[REDACTED]
I mean, and [REDACTED] was coming through the back gate and [REDACTED] said [REDACTED] could see the flashes on the wall. He tips well too. Yeah, he's not a poor man he goes to the race track and then calls for a ride because he's been drinking beer. Great, I mean, one less drunk on the road. Oh, I'm sorry.

STRAND:

Okay, uh, then you see the flashes, okay. Then you hear

[REDACTED] saying help [REDACTED]

[REDACTED]
Yeah, [REDACTED] screaming.

STRAND:

Okay.

I mean liter, blood curdling, horrified scream.

STRAND:

Okay, did, did you, have you met the [REDACTED] upstairs?

Uh, I met him. And, and I haven't met [REDACTED] and introduced myself to [REDACTED] but I talked to [REDACTED] in passing a couple of times today was the first time I seen [REDACTED] Uh, I hadn't talked to [REDACTED] before, I never seen [REDACTED] before today.

STRAND:

Okay.

All day today he was out cleaning tools and cleaning the back and, uh, one night he helped us carry something up the steps and then last night he helped us, the night before last, last night he helped us again. I mean he's just a nice guy it seemed like. One night when we were [REDACTED] I heard them arguing over there but everybody has an argument.

STRAND:

Okay. Uh, then you heard the [REDACTED] screaming help my [REDACTED] help [REDACTED] Then you hear the wheezing. Yeah, it was horrible.

STRAND:

Okay, uh, then the officer said the paramedics are on the way?

Uh-huh.

STRAND:

Okay. Uh...

...and then you hear 'em all coming up and then you hear them talking about the life flight coming in blocking off the road.

STRAND:

Okay. But then you see more, additional officers coming...

...oh, lots.

STRAND:

Lots more?

They were coming, I mean, like, it was just like within minutes.

STRAND:

Within minutes? Okay, then, then all running up the stairs?

Yeah, they were, I mean, there must have been twenty of 'em there within a heart beat, you know.

STRAND:

Okay.

[REDACTED] I mean that's, there probably wasn't twenty but I mean it just seemed like the whole stairway full and the walkway was full. Nobody was listening to me.

STRAND:

Okay. Uh, then, then, uh, a female officer...

...yeah...

STRAND:

...uh, comes over and talks to you?

Yeah. Yes, she was Orange County Sheriff, I think, she had on green.

STRAND:

Uh-huh.

She had blond hair, a little short girl. In fact she was the only one that had a camera in her car.

Everybody kept screaming whose got a camera. Anybody camera. She was the only one that had a camera in her car.

STRAND:

Okay.

SO, I mean, she was just so helpful.

STRAND:

So then, okay, then the deputy goes upstairs and gets [REDACTED]

Yeah. Yeah, in fact, hind sight I said grab my keys and [REDACTED] I was just gonna take [REDACTED] over and get [REDACTED] something to eat and go right back home. [REDACTED] was pretty shaken up once [REDACTED] got out of there. I mean [REDACTED] was hysterical.

STRAND:

Uh-huh.

Which thank God [REDACTED] went up and got [REDACTED] I imagine if [REDACTED] still be up there by [REDACTED] you know.

STRAND:

Okay, then once you got [REDACTED] then, uh, a little bit later, uh, was it a Cypress officer came over and talked to you, got your name and address?

Yeah, the guys were kind of walking around over there saying well does anybody got any statements. Have you got any, you know, somebody better get some statements from some of these people. And then, uh, he got our name and addresses and he really, you know, wasn't real in depth on his questioning but he was getting some of the details. He didn't even ask me any questions just my, for my ID and where I worked and stuff. Uh, he

asked [REDACTED] some questions, [REDACTED] some questions and that was about it. And then they still wasn't letting anybody...

STRAND:

...go anywhere...

...go anywhere.

STRAND:

Uh-huh.

Uh, they had everything roped off so nobody was supposed to go in or come out, you know, that kind of thing.

And, uh, then, uh, a little while later, uh, [REDACTED] had asked, uh, [REDACTED] had asked 'em well can we go, I want to take [REDACTED] over to [REDACTED] this is crazy. Uh, [REDACTED] is freezing, [REDACTED] got on a pair of socks and shorts and a t-shirt and it's getting cold. And [REDACTED] said I'll just take 'em [REDACTED] So finally, and then another one said, well, let's talk to 'em first. [REDACTED] said did anybody talk to you, I said well, they asked [REDACTED] questions but nobody really asked me questions.

They got my information on who I am or where I am. Uh, then he said, well, I'll take a walk up front with you first.

STRAND:

Okay, and this was a Seal Beach officer?

Right, well, it had Beach.

STRAND:

Okay.

I thought it said Long Beach but it probably did say Seal Beach.

STRAND:

Okay. And then he got some information from you and then that's [REDACTED] took you, brought you over here. ...yeah, and then after he finished talking to me he said send [REDACTED] in and he talked to her for a while and then after that we left. After we put this, put my stuff out of the [REDACTED] inside the garage.

STRAND:

Okay, do you think we forgot anything?

I don't think so, if we did it's because it's a blur. I mean it's just, it's a nightmare.

STRAND:

Okay.

I hope [REDACTED] doesn't have the nightmares I fear, you know, that's frightening.

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STRAND:

Okay. Uh, end of interview the time now is, uh, 2325.

(END OF INTERVIEW, [REDACTED])

COPY

DR NUMBER: 93-04064
VIOLATION: Officer Involved
Shooting

(X) INTERVIEW () CONVERSATION () TELEPHONE

NAME OF INTERVIEWEE: [REDACTED]

DATE/TIME OF INTERVIEW: JANUARY 23, 1993 - 2330 HOURS

LOCATION OF INTERVIEW: [REDACTED]

CONDUCTED BY: INVESTIGATOR HANS STRAND, OCSD, HOMICIDE

TRANSCRIBED BY: E. HARGRAVE, OCSD, INVESTIGATION DIVISION

--*-- (DENOTES INAUDIBLE PORTIONS OF TAPE)

STRAND: Continuation of the interview. Uh, we're interviewing, uh, [REDACTED] and the time now is 2332 hours. Okay, [REDACTED] uh, in your own words could you explain, uh, what you saw or heard earlier tonight.

[REDACTED] Okay, well [REDACTED] went out to come over here and get a [REDACTED]. And I started . . . I made my bed and then I started to [REDACTED] I heard argument while I was [REDACTED] I went on the patio to see who it was. I thought it was the apartment next door. I got closer to the wall, that's the break of the two porches, and I heard that it was --*-- next door. It got louder when I was in the house. I almost called the cops before I called over here. Then I decided not to.

STRAND: Hum-um.

[REDACTED] I put my [REDACTED] away and then after a long, afterwards I heard [REDACTED] call [REDACTED]. Then, um, I thought I, I thought [REDACTED] told me to open the door but [REDACTED] didn't.

STRAND: Hum-um.

[REDACTED] Um, then [REDACTED] told me to go down where [REDACTED] was --*--. I heard the gunshots before [REDACTED] told me that.

STRAND: Okay.

[REDACTED] Then [REDACTED] told me go down that there. When I --*-- opened the door to the police in the other apartment, next door. And I ask them if it was safe to go down now? He said,

no, just stay in the house. So I did. I went back to the window and told [REDACTED] it wasn't safe to go down now. And [REDACTED] said okay. Then I got a little worrier there.

STRAND:

Hum-um.

When they, a couple of minutes later a woman police officer came up and got me.

STRAND:

Hum-um.

And then two other police officers asked me a couple of questions.

STRAND:

Hum-um. And that was basically it. Okay. Um, as far as time, could you tell me when this whole thing started, about what time?

About four or four-thirty.

STRAND:

Four, four-thirty.

Yeah.

STRAND:

Okay, you were already upstairs, right?

Yes.

STRAND:

In the apartment?

Yes.

STRAND:

And then [REDACTED] and, uh . . .

STRAND:

[REDACTED] was, was kind of going back and forth moving

Yeah, we were just [REDACTED] ---*--- over there.

STRAND:

Okay. What were you doing in the apartment while [REDACTED] was m [REDACTED]

Well first of all they were, they just put [REDACTED] and I made my bed.

STRAND:

Okay.

Then after I did that I started to [REDACTED] And then when I started hearing the argument, I put that away and I just finished watching TV.

STRAND:

Okay.

And I heard [REDACTED] call out my name.

STRAND:

Okay, so you were watching TV when the argument was going on?

Well, I was, well . . . um . . . well . . .

STRAND:

It's between [REDACTED] and TV?

STRAND:

Yeah.

Okay. And then could you tell where the, uh, arguing was going on? Downstairs? Upstairs?

Well first I thought it was the apartment across the way. That's when I went out on my patio to see what were it was coming from. I thought when I was on the patio I thought, I thought heard it next door but I wasn't sure. I got closer to the wall and I heard, I heard it come from next door. And, I heard the [REDACTED] say what did I do to deserve all this.

STRAND:

Hum-um. Oh, you heard that?

Yeah.

STRAND:

Okay. You could, you could tell that it was a [REDACTED] voice, right?

Yeah.

STRAND:

Okay. Have you met those people, uh, across the way. I met the [REDACTED] when we were [REDACTED] in earlier or on in the like last weekend or something like that. They seemed very nice. But I haven't met the [REDACTED]

STRAND:

Okay. Okay, and [REDACTED] said something about, "What did I do to deserve this?"

All this.

STRAND:

Okay.

At least that's what, I don't, well that's what most of it, I heard when I was on the patio that's mainly all I really heard.

STRAND:

Okay.

They arguing. I could tell that they were arguing.

STRAND:

Okay. Then what happened after the [REDACTED] said what did I do to deserve all this?

Um, I went back in the house.

STRAND:

Oh, okay. So you actually had the door open?

I was, no, okay. I wasn't on the stair area. I was out on the patio.

STRAND:

Oh okay, out the back.

Yeah.

STRAND:

Okay.

[REDACTED]

STRAND:

And I heard it like through their dining room, like their sliding glass door was open.

Okay.

[REDACTED]

And that's where I heard it. And when I heard that, okay, I heard like all this stuff, throwing around in the house. And so I, I figured well if I heard that, I know they're arguing and it's not very good to stay out here. So I went back in the house. I put my [REDACTED] thing away. And, so I was watching TV and, the second, at I think it's 5 o'clock or something like that. The second "I Love Lucy" was coming on that's when I heard [REDACTED] call up my name.

STRAND:

Okay. Now when you, uh, when you heard the [REDACTED] say, "What did I do to deserve all this," then you heard things being throwing around.

[REDACTED]

Well before I went out there, I heard things being throwing around.

STRAND:

Okay, before you went out.

[REDACTED]

Yeah, but not that much.

STRAND:

Okay.

[REDACTED]

Just a couple of things. Then when I went out there I heard a lot more things as I was standing out there.

STRAND:

Hum-um.

[REDACTED]

Like cups and things getting broken.

STRAND:

Okay.

[REDACTED]

And so I went back in the house and I started watching TV. [REDACTED] called out my name.

STRAND:

Okay. Uh, things being thrown around, uh, are we talking about things breaking, like glass?

[REDACTED]

Well --- it sound like that and something sound like plants and stuff crashing on the floor and stuff. But it was --- like pictures and stuff but it could've been. I just heard things get thrown around.

STRAND:

Okay. All right then when you, uh, heard all that then you walk back inside the house from the patio?

[REDACTED]

Yeah.

STRAND:

Then what happened?

[REDACTED] Then it was about 5 o'clock. [REDACTED] called out my name and, and, um, then I thought [REDACTED] said open the door. No [REDACTED] said [REDACTED] told me . . . 'cause while [REDACTED] was there the cops told [REDACTED] to stay back that . . . and in a way [REDACTED] thought they were talking about guns going back and forth to each other. So when [REDACTED] told me is, [REDACTED] didn't tell me to open the door, [REDACTED] told me to get on the floor.

STRAND:

Okay.

And I didn't understand that 'cause I was upstairs. And, uh . . .

STRAND:

Okay, so [REDACTED], where, where were you when [REDACTED] was calling you?

Okay, I was up in the apartment. [REDACTED] was down, down...

STRAND:

Okay, so you were kind of looking out the window?

Yeah, I was looking out the front window.

STRAND:

Okay. Where the walkway is right below?

Yeah.

STRAND:

Okay. Then [REDACTED] then you, then you heard [REDACTED] say, get on the floor but you thought [REDACTED] said . . .

. . . open the door.

STRAND:

Open the door.

Yeah.

STRAND:

Okay.

And then I, [REDACTED] called out my name again, and I said, wait until, wait until I open the door. [REDACTED] said, no, no don't do that. I said, okay, I moved back to the window. And [REDACTED] said, that, um, [REDACTED] and go downstairs. So I did that. But I couldn't. When I opened the door, I asked the policeman that was in the apartment, in apartment four (4), if I was, if it was safe for me to go downstairs? After the shooting happened. After all the gunshots went off. I think this . . .

STRAND:

Okay, let's get back here. Uh, okay, [REDACTED] called your name out.

Un-huh.

STRAND:

And said, get on the floor. But you thought [REDACTED] said, open the door.

Yeah.

STRAND:

So you went to the front door, you open it. So . . .
Just a little bit.

STRAND:

Okay, then you saw an officer standing there.
He was almost like trying, like trying to comfort the

STRAND:

Oh, the shots had already been fired?
Yeah.

STRAND:

Okay. So when was it that you heard the shots go off?
Were you coming in from the patio?
No. Okay, I was in the patio. [REDACTED] had already called
my name a couple of times.

STRAND:

Okay.
I was already, we were already talking back and forth.

STRAND:

Out the window?
Yeah.

STRAND:

Okay.
And then something . . . I don't remember. And then, um,
I heard the gunshots off, go off.

STRAND:

When you were talking to [REDACTED]
I think it was. I don't remember.

STRAND:

Okay.
And then, uh, the first one I thought they were like just
set off firecrackers real close to here.

STRAND:

Hum-um.
But I ducked just in case. And . . .

STRAND:

Which room were you in?
I was in the living room and, and I heard like some way
lot more go off and I was, I got ducked even more. I was
almost under our coffee table.

STRAND:

Hum-um.
When they went off. Then afterwards I got back to the
window and I called [REDACTED] And I told [REDACTED] come up here
and [REDACTED] I was really scared.

STRAND:

Hum-um.
And that's when [REDACTED] told me to go down there. When I did,
I found, when I opened the door that's when I asked the
police officer if it was okay.

STRAND:

Okay.

STRAND:

Hum-um.

Okay. And then you thought [REDACTED] said something about open the door.

STRAND:

Hum-um

So did you go over to the door and actually open it? I opened just a teeny weeny bit and ---*---.

STRAND:

Okay, then you saw the officer standing there?

STRAND:

Yeah.

So he said to stay in the apartment.

STRAND:

Yeah.

Okay, so you closed the door?

STRAND:

Yeah.

Then you heard the shots?

STRAND:

I think that's how it was. I don't remember.

STRAND:

Okay, you know you don't need . . .

. . . it might've been after the all the shots went off.

STRAND:

How many times did you go to the door?

I went to the door one time when [REDACTED] told me to. One time when the police officer came up and got me.

STRAND:

Okay, so twice.

Yeah.

So your talking to [REDACTED] [REDACTED] said something about open the door or whatever.

STRAND:

[REDACTED] told me to get on the floor because, uh, [REDACTED] e . . .

. . . this is after the shooting?

STRAND:

No, because what [REDACTED] did was . . . wait . . .

Okay. Around 5:00 o'clock your were watching Lucy?

STRAND:

Okay, at 4:00 o'clock I show came on, I watched that.

Hum-um.

At 4:30, "I Love Lucy" came on. At 5:00 o'clock I think it was the second was coming up, the second, excuse me, when [REDACTED] [REDACTED] I think a riot started, you know, help through the window.

STRAND:

Hum-um.

And [REDACTED] told me to get on the floor 'cause between what the cops were saying. As [REDACTED] was done there to each other [REDACTED] thought they were first ---*--- talking about. The guy had a gun and he was struck everything like that.

STRAND:

Okay, so this is what [REDACTED] is telling you?
Well, [REDACTED] telling me that get on the floor. But at first, okay, [REDACTED] told me [REDACTED] yelled at me [REDACTED] and I said, what. I came to the window [REDACTED] I thought [REDACTED] said get on the floor, but I thought [REDACTED] said open the door. So [REDACTED] yelled out my name again, [REDACTED] said, I said, what? Wait I'm opening the door like you told me. [REDACTED] said, no, no, don't do that. And I go, okay. So I went back to the window and [REDACTED] then, I, well as I was going back to the window, um, I think that's when the bullets all went off.
Okay, so you were at the window.

STRAND:

Well, not quite. I was like going to the window to talk to [REDACTED] some more. And I was like between the window and the coffee table when that happened, when the bullets went off. And, I go, I dropped on the floor and I was almost under the coffee table. After the bullets I yelled out to the window. I yelled out the window to [REDACTED] come get me I'm real scared, come get me. [REDACTED] told me get my purse and come down here. Okay. And then I opened the door just a little bit and I asked, I seen there was a police officer. I ask him, is it safe to go down to be with [REDACTED] He said, no, just stay inside. I said, okay. So I went back to the window and told [REDACTED] the police officer said it's not safe to come out to go outside. [REDACTED] said, okay. [REDACTED] said, just stay in there.
Hum-um.

STRAND:

But I said, I'm scared. I'm scared someone come get me.

STRAND:

Hum-um.

And then that's, after I said that and then a cop came up and . . .

STRAND:

. . . and got you.

And stood next by [REDACTED] Stood next to [REDACTED]

STRAND:

Hum-um.

And [REDACTED] asked him to come up and get me. He said, no. Then afterwards a woman cop up to [REDACTED] and stood by [REDACTED] And that's when I yelled, help come get me I'm scared. I'm scared. The woman cop said, okay, I'll come just hold on I'll be there. I'll come get there.

STRAND:

Hum-um.

And I said, okay. And, um, I had [REDACTED] I shouldn't go down there. And I open, the woman cop came up and got me and I went down with [REDACTED]

STRAND:

Okay.

And then, um . . .

STRAND:

And then other officers came and talked to you. Well the first officer just got my name.

STRAND:

Hum-um.

And he, uh, he got my birthdate.

STRAND:

Hum-um.

And the phone number over [REDACTED]

STRAND:

Okay.

That's all. Then the other officer asked me the questions.

STRAND:

Un-huh.

After he asked [REDACTED] questions.

STRAND:

Okay. That should do it. Uh, end of interview. Time now is 23, uh, 50 hours.

(END OF INTERVIEW [REDACTED]

SIDE 1, TAPE 1)

COPY

DR NUMBER: 93-04064

VIOLATION: OIS

(X) INTERVIEW () CONVERSATION () TELEPHONE

NAME OF INTERVIEWEE: Robert A. Fimiani

DATE/TIME OF INTERVIEW: January 23, 1993, 2039 Hours

LOCATION OF INTERVIEW:

CONDUCTED BY: Inv. R. Garcia - OCSD - Homicide

TRANSCRIBED BY: P.L. Christian - OCSD - Investigation

---*--- (DENOTES INAUDIBLE PORTIONS OF TAPE)

GARCIA: My name is Investigator Rudy Garcia. Today's date is January 23, 1993. The time is approximately 2110 hours. This interview is, uh, an interview being conducted at,

The interview is of, uh,

And, uh, this is in reference to, uh, an officer involved shooting. Um, involving officers, uh, from the Los Alamitos, uh, Police Department. The interview originally started at 2039 hours. So the time now is approximately 2112 hours. And, uh, I accidentally did not, uh, remove the pause button when I first started the, uh, the interview. So basically what I'm gonna be doing is just reviewing, uh, the, uh, statement given to me by, uh,

And, uh, and what I'll be doing is I'll be reviewing my notes and, uh, as I review the notes then is gonna either correct me or fill in as far as, um, what I've written down on my notes. What you told me is that, uh, you were coming home from a walk, uh, with

Right.

GARCIA:

And, um, this was about 4:00 o'clock in the afternoon... That we left.

GARCIA:

...that you left. And you were returning at approximately what time?

I have no idea. My guess is somewhere between 4:30 and 5:00.

GARCIA:

So sometime around 4:30 and 5:00 ----

Is that right? Is that when the shooting occurred?

GARCIA:

Um, I'm not quite sure. It's not really important. Okay.

GARCIA:

But, uh, we have the time...----

Yeah, I'm sure ---- okay.

GARCIA:

And, uh, you said you were about 20 feet from, uh, from the, uh...

I could be totally wrong on that time. I may have left at 5:00. I don't know, but go ahead.

GARCIA:

Okay. That...that's a possibility. You may have left at 5:00. If it...if it was dark, you probably left after 5:00, though.

It was light when we left and light when we came back.

GARCIA:

Okay. I'm not quite sure what time ----

Between 4:00 and 5:00 we left.

GARCIA:

Okay. That's fine. And, uh, you're...

Right.

GARCIA:

And directly

Right.

GARCIA:

And across the

I don't know. I've never looked.

GARCIA:

Apartment number 4, where the incident happened, is upstairs.

Right.

GARCIA:

Right.

GARCIA:

Right. And so you were about 20 feet from your, uh,

Right.

GARCIA:

...when, uh, you heard the sound of...the sound of gunshots.

Right.

GARCIA: And you said there was approximately, uh, 15 shots at first. That was your impression. Later on you said that it might have been possibly maybe 10 or 12 shots.
[REDACTED] Right.

GARCIA: And the sounds were basically all similar, maybe, coming possibly from the same gun.
[REDACTED] Right.

GARCIA: And that [REDACTED] ran back to the street, uh, you pause for maybe approximately 10 seconds.
[REDACTED] Right.

GARCIA: And then after that you heard the sound of a [REDACTED] yelling, screaming. And you recognize the voice as being [REDACTED]
[REDACTED] Right.

GARCIA: Right?
[REDACTED] Right.

GARCIA: And you know [REDACTED] from...from...from the past...
[REDACTED] Right.

GARCIA: ...[REDACTED] also.
[REDACTED] Right.

GARCIA: And [REDACTED] is also [REDACTED] to Sylvan.
[REDACTED] Right.

GARCIA: Last name of, uh, [REDACTED] And, um, initially, you said that you didn't actually recognize what [REDACTED] was saying while [REDACTED] was screaming, but, uh, but after pausing for awhile, then you walked over and you were walking up the stairs to apartment number 4. And you get to maybe about four steps to the landing...
[REDACTED] Right.

GARCIA: ...by the entrance of apartment 4 when you heard [REDACTED] saying, either at that time or as you were walking back down the stairs away from the apartment, heard [REDACTED] saying something like "help [REDACTED] "Help [REDACTED]"
[REDACTED] Yeah.

GARCIA: You say that as you, uh, looked, uh, peeked into the apartment, you saw that the door was ajar. Maybe almost fully opened.
[REDACTED] Um-hum.

GARCIA:

And that on the landing according to your --- maybe on the landing that you saw maybe about six casings, but you felt that the whole landing there was covered with casings?

Um-hum.

GARCIA:

And you recall that the casings were all the same caliber. The one's I saw --- ---

GARCIA:

Same size casings, yeah. And at the time you felt that maybe they were .38's, but that was because the impression that you had that all police officers...

Yeah.

GARCIA:

...carried .38 caliber.

Yeah.

GARCIA:

You said that you were there when, um, and you also saw at the time...you saw 2 or 3 bullet holes, um, on the door. And these bullet holes were approximately, maybe, shoulder or chest high.

But that's real rough, because I was four steps from...three or four steps from the top. So, God, it could have been anywhere from waist high to shoulder high, I guess.

GARCIA:

Okay. And these bullet holes were at an angle though. You said maybe at about a 45 degree angle?

Relative to the door itself.

GARCIA:

Right.

Yeah.

GARCIA:

Okay. And, um, do you recall if they were by the doorknob, center or by the hinges?

No. They were close to the hinges. They were a few inches from the end of the door near the hinges.

GARCIA:

Okay. And it was at that time...before you even made it upstairs, uh, to look inside the apartment when an officer, who you described as a male...

Yeah.

GARCIA:

...caucasian officer. Maybe about 35 years old with dark hair came out and told you get out. Uh, "get out of here. Get out of here."

Yeah.

GARCIA:

And you don't recall if he was holding a gun or not.

No.

GARCIA:

You don't remember seeing a gun...

No.

GARCIA:

...at that time.

No.

GARCIA:

Okay. So you walked downstairs and, uh, you were kind of dazed...

Yeah.

GARCIA:

...startled and then after that you walked over to the street and got

Right.

GARCIA:

And both of you then came back and went inside your

Right.

GARCIA:

And...

Then I went...

GARCIA:

Go ahead.

Then I went back out 'cause I was anxious to see if I could be able to take care of And they happened to be coming down the stairs with in cuffs. And was hysterical. And I asked them if could come in with us. And the, uh, police seemed to be happy to have somebody to take care of They brought in and took off her cuffs.

GARCIA:

Okay. Good. So then they brought in here and released to you and that's about the same time that, uh, that you notified, um, Right?

Oh, that's a good half hour later when I was finally able to get that information out of

GARCIA:

Okay.

And ...which identified as Sylvan's

GARCIA:

I believe that's the...

GARCIA:

Okay. And we don't have phone numbers on either of these ---- is that right?

[REDACTED]
No.

GARCIA: Okay. So then during that time, [REDACTED] basically hysterical and [REDACTED] uh, [REDACTED] crying?
[REDACTED] Crying and asking for help. "Help [REDACTED] Help [REDACTED]"

GARCIA: Okay. And some of the things that [REDACTED] was saying is that, uh, apparently [REDACTED] told you that, um, [REDACTED] kept on saying that, uh, there was a loud bang at the door and that Sylvan...Sylvan felt some kind of threat. So he had the gun in his hand when he opened the door.
[REDACTED] Cracked the door open.

GARCIA: Cracked the door open. Okay.
[REDACTED] Yeah. "Why did they shoot him? Why did they shoot him?"
GARCIA: Okay. And [REDACTED] was also saying something about he never hurts me. Or something like that?

[REDACTED] "He never hurts me. We're just a vibrant [REDACTED]" You know. "We argue a lot, but he never hurts me."

GARCIA: Okay. Did [REDACTED] say anything why the officer's were there in the first place?

[REDACTED] I don't remember if [REDACTED] said specifically, my assumption was that [REDACTED] knew why they were there. That's why [REDACTED] was talking about...explaining their relationship. And that, it, arguments, that...that was just the energy between them. But to say that [REDACTED] knew somebody had called the police, I don't recall [REDACTED] saying that, but that was kind of the gist of what I got.

GARCIA: Okay. And, uh, after that we were just getting background basically on...on...on the [REDACTED] and you say that you and [REDACTED] have been living in this apartment here for the [REDACTED]

[REDACTED] Right.

GARCIA: And you also mentioned that, uh, the [REDACTED] moved in maybe about six or eight months ago.

[REDACTED] Right.

GARCIA: And that you first, uh, met them [REDACTED]
[REDACTED]

[REDACTED] Right.

GARCIA: And that's when you asked, uh, Mr. Byrd, Sylvan...
[REDACTED] Right.

GARCIA: ...to give you a ride to the mall.
[REDACTED] Right.

GARCIA: And then eventually he also gave you a ride, uh, to, uh, to rent a car, right?
[REDACTED] Right.

GARCIA: And that was in Long Beach.
[REDACTED] Right.

GARCIA: Okay. And it was during that time that you had a conversation with him?
[REDACTED] Right.

GARCIA: And could you go over your impression as far as what kind of individual Mr. Sylvan, Mr Byrd is?
[REDACTED] Yeah, he...he...Sylvan talked a whole lot. Uh, he kept apologizing for talking so much and said that he needed to, but was really self-conscious of the fact that he was talking so much. Uh, he was talking about his fears regarding the riot. And then how, you know, the world has become such a dangerous place. He talked about, something about his police background. Whether it was training, but I believe he was a policeman. I believe he talked about being a policeman somewhere up north. Alaska, or something like that. (Phone ringing) Hello. Yeah.
[REDACTED] How you feeling, better?
You sound much better. I sure did. I sure did. And I appreciate it. Well, we just had a man killed ---- and I've got a police detective ----

GARCIA: We're going to be going off tape for just a minute. The time now is approximately 2121 hours. Okay. We're back on tape now. The time now is approximately 2123 hours. And, uh...
[REDACTED] I think I was talking...I'm sorry.

GARCIA: Yeah, you were talking about, uh...
[REDACTED] I was talking about how much he was talking. Apologizing for his talking. Sounds like he needed to talk. Lots of fears. Lots of anxiety. Talking about the anxiety he's felt since the riots. There was some discussion of guns

and protection and, uh, he was a believer in the police needing to take...and I'm not giving you exact words, but what I came away from, he was a man who believed in law and order. And, uh, but again, kind of a...I'm not a psychiatrist. Uh, but there was a fragmentation in his thinking. And I felt compassion for him. I...I...I felt his fear. Uh, and that was it. And then everytime I...I've seen him after that I...I...that's my impression again. When I see him. Having worked with a lot of troubled people and seeing him as a troubled guy. I did hear one argument that he and [REDACTED] had. It's the only one that I think I'm...I'm aware of. It was quite loud. Except he wasn't loud. I would hear his voice very, very quietly. And [REDACTED] would...[REDACTED] was responding like...it was as though he was twisting [REDACTED] head. He was very quiet and [REDACTED] would respond like...as though he had beaten [REDACTED] Even though there was clearly no beating going on. But he was...[REDACTED] sound...[REDACTED] voiced the fact that [REDACTED] was being tormented by him. "Please, why are you doing this? Why are you doing this to me?" Uh, it was a sense of...I don't know. Anybody's been in a close relation...[REDACTED]

GARCIA:

Um-hum.

And, uh, people...no matter how much they love each other, you know, at times will say something to each other trying to hurt them. And it sounded like a real intense and on-going session. Like that.

GARCIA:

Was it...

I had no sense that [REDACTED] was in any physical danger when that occurred.

GARCIA:

So was it just like a verbal argument or just...

It was a verbal argument is all I....

GARCIA:

...did you hear any pushing, shoving?

None at all.

GARCIA:

Any furniture being moved around or stomping or anything like that?

None at all.

GARCIA:

Okay. Did...did anyone call the police that time?

[REDACTED]
GARCIA:

Not to my knowledge. Not to my knowledge.

And when did this happen?

I'd say six to ten weeks ago.

GARCIA:

What time was this?

In the evening.

GARCIA:

Was it a weekend or was it, uh...

I don't remember.

GARCIA:

Do you recall what he was telling [REDACTED]

I couldn't hear him. I could just hear kind of a mumbling voice. [REDACTED] was at, you know, the highest decibel and he was just speaking quietly to [REDACTED]

GARCIA:

And the only thing you remember [REDACTED] saying was "why are you doing this to me?"

Yeah. "Why are you doing this to me." I'm not...I don't...I love...you know, I'm not seeing other [REDACTED] I'm not...[REDACTED] I'm sure would remember more specifically than I do.

GARCIA:

Okay. Did he tell you anything about owning any guns or having any guns in the house? In the apartment?

I don't know. I know I...I had a sense of him and guns. He may have said he...I don't know. I don't remember specifically.

GARCIA:

Okay. Did, uh, [REDACTED] say anything else, uh, when [REDACTED] was down here for...I guess [REDACTED] must...when did [REDACTED] finally leave? How long was she down here?

Hour and fifteen minutes.

GARCIA:

Okay.

'Til... 'til the police took [REDACTED] to the station.

GARCIA:

Okay. And during that hour and fifteen minutes, um, that's...

Is there anything material that [REDACTED] said?

GARCIA:

Right.

Nothing that I recall.

GARCIA:

Okay. Was [REDACTED] blaming the officer's for what they did or, um...

"Why would they do this? Why...that's not fair. That's not fair. That's not right. That's not right. Why did

they shoot him? Why did they shoot him? He wasn't doing anything."

GARCIA:

Did [REDACTED] say, um, anything about [REDACTED]...I guess...well, [REDACTED] mentioned the fact that he opened the door...cracked the door open with the gun...

They made a lot of noise. They made a lot of noise. And they banged on the door. And he...and he...he cracked the door open to see who it was. And . . .

GARCIA:

Okay.

I know he had a gun in his hand.

GARCIA:

Did [REDACTED] say anything about maybe the officers telling, uh, [REDACTED]

They never said anything. I'm pariting, you know, my memory of the way [REDACTED] talked. They never said a word. Never said anything. If they had said something.

GARCIA:

Okay.

The picture I got was that there was a bang on the door, but there was no words. Then he cracked the door open. He had the gun in his hand, and they reacted. That's my assumption.

GARCIA:

Okay.

For whatever it's worth.

GARCIA:

Did...did [REDACTED] say anything about who the officer was? The one that was in front or the one that possibly fired the gun?

No identification -----

GARCIA:

Okay. Did [REDACTED] say anything about maybe, uh, [REDACTED] not being able to see by the fact the the door was just cracked open or...

No.

GARCIA:

Okay. Did [REDACTED] appear maybe that [REDACTED] been involved in an argument or maybe physically abused by [REDACTED]

The only address [REDACTED] made to the argument was to say that "he wouldn't hurt me. He's never hurt me." We were just...the stuff between...I forget the words [REDACTED] used. Not energy, but I think I used it before. Just whatever...very...the implication was we're a couple.

We...we argue a lot, but it's just the way we exchange --
-- ***

GARCIA:

Okay.

But there was no, you know, kept saying "he's never hurt me. He's never hurt me." As though [REDACTED] was saying that they came, you know, that they were come...that [REDACTED] knew they were coming because they were arguing, but [REDACTED] was not endangered nor has [REDACTED] ever been in danger with him.

GARCIA:

Okay. So [REDACTED] didn't say that [REDACTED] called the police, right?

No.

GARCIA:

Did [REDACTED] appear injured?

No.

GARCIA:

Okay. How was [REDACTED] dressed?

Casual. [REDACTED] could be more specific.

GARCIA:

Okay. Did [REDACTED] appear as...

[REDACTED] had no shoes on.

GARCIA:

...did...did [REDACTED] appear as if maybe [REDACTED] had been drinking? I could smell alcohol on [REDACTED] breath.

GARCIA:

Okay.

How much of [REDACTED] behavior was affected by it I can't tell because [REDACTED] was hysterical from the incident.

GARCIA:

Okay. Have you ever had any other problems with, uh, I mean, not any other problems. Have you ever, uh, maybe thought that they might have been too loud? Maybe music or maybe pounding on the floor or maybe being up at night or...

Uh, nothing remarkable, no.

GARCIA:

No.

GARCIA:

Okay. So just that one time that they argued. What about as far as music or as far as drinking and maybe loud...talking loud?

No. They've been no problem at all. They've been no problem. I mean, they...they walk loud. Sometimes they'd be up at night. You could hear them walking. I think they walked heavily, but, uh, other than that, no. And he was doing...must have been some kind of building something

up there a week or so ago. 'Cause he was doing a lot of hammering. One day late that was probably the only time I felt any irritation. What the hell's he doing at this time of night?

GARCIA:

Was he working?

GARCIA:

You mean does he have a job?

Yeah. ---***--- Um-hum.

I assume he does, but I don't know that for a fact. I mean, I...I'm working all day so I don't know if he's here. My...my...yeah, I'm almost sure he works. The other thing is it just...for other background was today he spent...[REDACTED] told me he was out there sunning himself early in the afternoon. I didn't go out there 'til about 4:00 or 3:00, I suppose. And he was sunning himself out there by the garage. Uh, at one point, the two of them were out there and...talking. And when I came out, uh, [REDACTED] said hello to me. I had no sense myself of what the climate was between the two of them at that time. [REDACTED] has a different sense of that. [REDACTED] had...evidently [REDACTED] was out there and...but you can talk to [REDACTED] about that, that [REDACTED] had a sense that...that there may have been friction between ---***--- ---***--- out there.

GARCIA:

Okay.

GARCIA:

That's what [REDACTED] had told me.

So that was the only other time that you saw them during the day?

Yeah, right.

GARCIA:

Okay.

Yeah, this was late this afternoon. Sunning himself.

GARCIA:

Okay. Did...did he say hi to you?

I said hi to him.

GARCIA:

Okay. Was there a reply? Or was he just...

Yeah. Yeah. He said he'd already forgotten my name. So he...he hasn't been able to reply to me by name for some time. [REDACTED] [REDACTED]

GARCIA:

Um, okay. Is there anything that I forgot to ask you? I mean, as far as...

[REDACTED]
GARCIA:

I've got nothing else. I've got nothing else.

Okay.

[REDACTED]
Nothing else.

GARCIA:

We'll go ahead and end the interview, then. The time is approximately 2132 hours.

(END OF INTERVIEW OF [REDACTED])

COPY

DR NUMBER: 93-04064

VIOLATION: OFFICER INVOLVED SHOOTING

(X) INTERVIEW () CONVERSATION () TELEPHONE

NAME OF INTERVIEWEE: SALLY ANN FIMIANI

DATE/TIME OF INTERVIEW: SATURDAY, JANUARY 23, 1993 - 2136-2154

LOCATION OF INTERVIEW:

CONDUCTED BY: INVESTIGATOR R. GARCIA, OCSO, HOMICIDE

TRANSCRIBED BY: E. HARGRAVE, OCSD, INVESTIGATION DIVISION

---*--- (DENOTES INAUDIBLE PORTIONS OF TAPE)

GARCIA: My name's Investigator Rudy Garcia, and today's date is, uh, 1-23-93. The time is approximately 2136 hours. And this is an interview being conducted at, uh, [REDACTED] and the person being interviewed, [REDACTED] And this is in reference to an officer involved shooting investigation involving two, uh, Los Alamitos Police Officers. Basically what I want to do is, uh, if, if you could just tell me what happened, as far as the shooting itself. Meaning, uh, I've already talked to [REDACTED] and [REDACTED] telling me that you're coming back home from, from taking a walk. And then if you could just tell me what happened then from the time that you hear the shots and after, after that you came back to your apartment or [REDACTED] went and got you, you came to your apartment and, and also get into the fact that later on [REDACTED] was brought down and was release to you [REDACTED] And just, uh, tell us what [REDACTED] was saying at the time. And after we get, uh, that part of the interview over with, then I'd like to maybe just talk about maybe a little background on Byrd, on [REDACTED]

[REDACTED] Uh, well, [REDACTED] I were walk, taking a walk, uh, about a two mile walk, came back, saw two (2) police cars in front of the complex. Uh, I wondered what was happening. Started to walk down the walkway to our apartment and heard loud voices, uh, and then suddenly shots. Uh, and I, I just try and hear it

in my head again. I think it was between like seven (7), nine (9), or ten (10). Uh, I just turned around and ran as fast as I could out, uh, out of the gate to my right down the sidewalk about, uh, half a block and stayed there. [REDACTED] went, came back in, uh, and then came out and got me at about I guess probably five (5) minutes or less and said that our upstairs neighbor had been shot. Uh, we then came back in and, uh, the officer's allowed us to come in our apartment. Uh, [REDACTED] was very hysterical and, uh, they were, the officers were bringing [REDACTED] down the stairs and [REDACTED] wanted, they allowed us to bring [REDACTED] in our apartment and [REDACTED] was here for some time. I'd say close to an hour. Uh, but it's hard to say 'cause it was kind of strange. Uh, [REDACTED] was again very hysterical. Wanted mainly to know how Sylvan was, whether he was alive or if he was going to be all right. Uh, we tried to get some information but were unable to. Uh, [REDACTED] we tried we also asked [REDACTED] uh, what had happened and [REDACTED] had a hard time with any facts, uh, even giving us phone numbers of relatives or anything. But [REDACTED] said that, uh, they were having a argument, uh, that [REDACTED] thought was probably maybe kind of loud but [REDACTED] just kept saying that he that he wouldn't hurt [REDACTED] he would never hurt [REDACTED] Uh, and, uh, then as far as I could tell from what [REDACTED] was saying, somebody came to the door. [REDACTED] said banged loudly on the door, uh, and Sylvan, [REDACTED] described him as always being somebody who protected them and their home. Uh, [REDACTED] he went to the door, and [REDACTED] said just shots went through the door. Uh, [REDACTED] said, uh, [REDACTED] said later something about that the door, he might've cracked the door, and he ... [REDACTED] was indicating that he did have a gun, but it was very vague after that. All [REDACTED] kept saying is he never would ---*---, shoot anyone, he never would've fired it. But it sounded to me like [REDACTED] was saying he did have a gun.

GARCIA: Okay. What time was it when you came back from taking the two mile walk?

[REDACTED] You know I really . . .

GARCIA: Just approximately.

[REDACTED] Uh, I really, it was 7:30 when [REDACTED] left. So it was probably around [REDACTED] That, that's a guess.

GARCIA: Okay. And as you're walking back that is when you saw the two police cars in front of the apartment complex here?

[REDACTED] Right. Hum-um.

GARCIA: Okay. And, uh, as far as the loud voices that you heard, do you recall where the voices were coming from?

[REDACTED] I could hear that they were coming from upstairs in the stairwell.

GARCIA: Okay. And do you recall what was being said?

[REDACTED] No. No.

GARCIA: Was it a man's voice or a woman's voice?

[REDACTED] It was men's voices.

GARCIA: Okay. So it was more than one, one person speaking?

[REDACTED] I think so. Hum-um.

GARCIA: Okay. How many people would you say?

[REDACTED] I would say the most two (2).

GARCIA: Okay.

[REDACTED] It might've been even, it was a commotion, let me put it that way. ---**--- something was going on.

GARCIA: Okay.

[REDACTED] It was very fast.

GARCIA: And right after you heard the voices, uh, I mean how much time lapsed from the time you heard the voices to hearing the gunshots?

[REDACTED] Seconds I would say.

GARCIA: How many seconds long?

[REDACTED] Uh, yeah . . .

GARCIA: It's hard I know.

[REDACTED] Five (5) seconds.

GARCIA: And were the gunshots also coming from the same area?

[REDACTED] Yes.

GARCIA: Okay. And you said that you heard about maybe what, six (6) or seven (7) shots?

[REDACTED] I thought it was between seven (7) and ten (10). At first, I thought it was even more then that because I was petrified just ran as fast as I could. Uh, but in going, in hearing it over in my head, I feel it was like seven (7) to nine (9), somewhere in there.

GARCIA: Seven (7) to nine (9), seven (7) to ten (10) maybe?

[REDACTED] Hum-um. Yeah.

GARCIA: Okay. And do you recall if it was the same sound? Uh . . .

[REDACTED] The gun?

GARCIA: The gun, yeah, right. Was it the same? Or was it more then, or was it different sounds, like coming from different weapons?

[REDACTED] I couldn't tell. I'm not familiar enough to able to tell the difference.

GARCIA: Okay. And do you recall the sequence of the shots being fired as far as the time that lapses between each shot?

[REDACTED] I felt, and I'm not sure if I, you know, if I constructed this.

GARCIA: That's all right. Hum-um.

[REDACTED] I thought there were two (2) and then a bunch.

GARCIA: Could you maybe repeat it, like bang, bang.

[REDACTED] Uh, bang, bang . . . bang, bang, bang, bang, bang, something like that.

GARCIA: Okay, so maybe two (2) followed by ---*---.

[REDACTED] I think so.

GARCIA: Okay.

[REDACTED] But I may have been watching too much television.

GARCIA: Okay. Okay, and what happened after that though? You heard the gunshots . . .

[REDACTED] Yeah. Yeah, I had ran as I heard, I just turned around and ran as fast as I could.

GARCIA: Ran towards the street then, right?

[REDACTED] Yes. Hum-um.

GARCIA: Okay.

[REDACTED] 'Cause I thought, I, I, in my, in my head I thought somebody was coming down the stairs shooting.

GARCIA: Okay.

[REDACTED] That's why I was running away.

GARCIA: So then you ran away and then how long after that does [REDACTED] go out there and . . .

[REDACTED] Uh, [REDACTED] ran after me, but turned around and went back. Uh, and then our neighbors up front also came out. [REDACTED] was coming home at the same time we were coming in and they all, uh, came back out [REDACTED]

GARCIA: [REDACTED]

[REDACTED]
GARCIA:

[REDACTED]
GARCIA: Oh, I see, okay.

[REDACTED] Uh, so they all came out and walked down the block where I was. Then we were kind of were just standing there. But I don't think it was more than two (2) or three (3) to five (5) minutes before, before [REDACTED] came out. It was, I'm sure it was only a couple of minutes. It seemed like a long time.

GARCIA: Your standing out front and then the people that live in [REDACTED] also came out then?

[REDACTED] Yes.

GARCIA: And they joined you then, right?

[REDACTED] Right. And I was standing, couple of apart, maybe at least one complex down. Uh, the one between us and the then the next one.

GARCIA: And [REDACTED] then, right?

[REDACTED] Yes.

GARCIA: And [REDACTED] just come home then?

[REDACTED] Right, [REDACTED] had just come home. They were inside. ---*---

GARCIA: Okay. Okay, and then after that maybe about how many minutes later does [REDACTED] join you?

[REDACTED] I, I thought, I think probably it was a couple or three (3) minutes.

GARCIA: About three minutes.

[REDACTED] And I felt like a lot longer but . . .

GARCIA: And what is it that [REDACTED] tells you then? What does [REDACTED] tell you?

[REDACTED] [REDACTED] said, I, uh, [REDACTED] said that . . . I said, said was anybody shot? And [REDACTED] said Sylvan was shot.

GARCIA: Okay. And then after that you walk, the officer's allow you to go back to your apartment.

[REDACTED] Hum-um.

GARCIA: Did the officers also, also come from outside to the street and, and, and join you.

[REDACTED] No, I don't think so. No.

GARCIA: Or did you just work your way back.

Right. I think [REDACTED] had been, in the time that he was in here. So maybe it was hard to tell how long. [REDACTED] said, they said to come back, we could come back.

GARCIA: Okay.

They weren't allowing the neighbors upstairs just the people [REDACTED]

GARCIA: Hum . . .

And at the same time [REDACTED] was coming downstairs and they said it was okay for [REDACTED] to come in.

GARCIA: Okay. I take it that [REDACTED] was handcuffed. I think that's true.

[REDACTED] was.

GARCIA: Okay.

I didn't notice that right way until [REDACTED] came in and they unhandcuffed [REDACTED]

GARCIA: Okay. How many police officers were, were with [REDACTED] I'd say maybe a couple.

GARCIA: A couple, okay. Do you recall what the police officers look like, the ones that released [REDACTED] to you?

[REDACTED] Not at all.

GARCIA: And, uh, it was at that time I guess that you had the conversation with [REDACTED] was basically just hysterical?

[REDACTED]: Yes.

GARCIA: And, uh, did, uh, did [REDACTED] uh, say, uh, or indicate why the police officers were there in the first place?

[REDACTED] Uh, I don't think [REDACTED] did, no.

GARCIA: No.

[REDACTED] I knew, I think [REDACTED] had said they had been called, uh, by someone. [REDACTED] may have said it. I'm, I'm not sure who said it. But I got that knowledge somewhere along the line.

GARCIA: So what is it that [REDACTED] saying during this whole time that [REDACTED] here?

[REDACTED] Uh, I, [REDACTED] just kept saying, I don't understand, I think. Something to that effect. I, I don't know what happened. And mainly Sylvan, you know, was Sylvan okay. ---***--- , is he all right. [REDACTED] wanted to go back out. [REDACTED] was able to sit and

just, uh, be hysterical after awhile. There was another officer that was in here, who also took information from [REDACTED] uh, and stayed with us for quite awhile and then, uh, left.

GARCIA: Okay. Now as far as background on them, uh, I think [REDACTED] told me you've probably be living in [REDACTED]

[REDACTED] Hum-um.

GARCIA: And they moved in, uh, maybe about six (6) or eight (8) months ago.

[REDACTED] Yeah. I don't even remember. It was a under year that's all that's all ---- .

GARCIA: Okay. Could you maybe tell me a little about their background. I mean as far as, uh . . .

[REDACTED] I don't know them at all. I know [REDACTED] spent time talking to Sylvan a couple of times. Uh, I really don't know anything about either one of them, except that [REDACTED] said [REDACTED] works for [REDACTED]

GARCIA: Okay. Has there ever been any problem, uh, where I guess they start arguing and the police were called or anything like that in the past?

[REDACTED] I never known the police being called. Once we heard them arguing, but it wasn't a big loud thing it was just an on going argument for, uh, about probably a good hour. Where, well our feeling, I mean this is real subjective.

GARCIA: Hum-um.

[REDACTED] But he seemed very controlled. I don't know it was just, I felt, I very, I don't want to seem subjective. So. . .

GARCIA: ----

[REDACTED] It just seemed very diabolically the way he was trying to control [REDACTED] and, and kind of just being me an, you know, and that kind of thing. But it wasn't loud. It was just him turning the screws kind of thing. Loud enough for us if they had their back door open. They were kind of going in and out on their patio so we could hear.

GARCIA: What were some of the things that were being said, uh?

[REDACTED] They were arguing about credit cards and, uh, [REDACTED] was trying to get him to give [REDACTED] back her wallet and credit cards and that sort of thing. Uh, [REDACTED] was crying a lot. He was just talking

in kind of a low tone. It just, I experienced that as him as being very much in control of the situation, but not violent. He didn't sound, he didn't sound violent.

GARCIA: Just kind of very possessive, I guess, huh?

Very.

GARCIA: Could you tell what he was saying? Could you hear what he was saying?

I could not hear what he was saying.

GARCIA: What else was saying?

Mainly, uh, that's all I, that is about all I remember ----.

GARCIA: Okay. Did it sound like maybe he was, uh . . .

It sounded like they were also arguing over maybe his family or his children. I'm not even sure if he has them but something that was interfering in their current relationship.

GARCIA: Was there anything about maybe him being jealous as far as...

Uh, I didn't hear that specifically, no.

GARCIA: No. Okay. Did you hear anything that kind of led you to believe that maybe he might've been assaulting

At that time?

GARCIA: Right.

No.

GARCIA: So just a verbal argument.

A lot of walking around, walking back and forth.

GARCIA: Did you hear any items breaking or things being thrown?

No, I didn't.

GARCIA: Okay. And I take it the police weren't called in at that time?

No, not that I know of.

GARCIA: Okay. Uh, also mentioned an incident I guess where, uh, well it was actually this morning, I guess. Uh. . .

Oh, yeah. And that was, I just noticed that they weren't speaking. That he was sitting out back by the garage sort of sunbathing or something. Uh, and I walked back and forth several time to the laundry and saw come in and out, once with sunglasses. And, didn't seem to acknowledge that, or make contact with me at all, uh, and then later did, but he wasn't, was not making contact with him. They were just like ignoring each other. ---- had mentioned that to

GARCIA: Okay. Did, did you hear them say anything to each other at that time?

[REDACTED] Uh, no.

GARCIA: Okay. When, uh, when [REDACTED] came down, uh, and, and was here, did you notice if [REDACTED] been drinking at all? Could you smell...

[REDACTED] [REDACTED] had a heavy alcohol on [REDACTED] breath.

GARCIA: What about as far as anything else indicating maybe that [REDACTED] been drinking too much. Like maybe, uh, speech or maybe balance or. . .

[REDACTED] It was hard to tell [REDACTED] was so hysterical. I just noticed that [REDACTED] see had a lot of, you know, [REDACTED] was a very strong scent of alcohol in [REDACTED] breath. Uh, I mean [REDACTED] seemed, I, I can't tell whether it was just hysteria, or if [REDACTED] weren't hysterical I would've thought [REDACTED] was being unreasonable. I'm not able to, but I mean I would've been too under the circumstances.

GARCIA: Hum-um.

[REDACTED] Now, [REDACTED] wasn't able to remember anything but that maybe, you know, I just attributed that to, uh, ---*---.

GARCIA: Okay. Well . . .

[REDACTED] But it was, you could tell [REDACTED] had been drinking quite a bit.

GARCIA: As far as what [REDACTED] was saying though, uh, your impression was that [REDACTED] told you that they heard a loud bang at the door.

[REDACTED] Yeah. Somebody pounded on the door hard.

GARCIA: Somebody pounded on the door, okay. And, uh, [REDACTED] also mentioned something about, uh, Sylvan be, being very protective.

[REDACTED] Hum-um.

GARCIA: Okay.

[REDACTED] And that he, yeah, he would always protect them and that he would never shoot anybody. He used to be a policeman or something or other. Police training of some sort. Uh, he would never hurt anyone.

GARCIA: Okay. And, uh, it was also your feeling, I guess, that he might've cracked the door open with, uh, a gun in his hand.

[REDACTED] Yeah. And I, that was what I thought had been, eventually was said by [REDACTED] but it was bits and pieces all through the hour so...

GARCIA: Okay. Did, did [REDACTED] say what kind of gun they owned or if there were any guns at the house or . . . ?

[REDACTED] No. [REDACTED] said they do have a gun.

GARCIA: Oh, they do have a gun, okay.

[REDACTED] And [REDACTED] said he was a member of the National whatever that thing is.

GARCIA: ---***--- . And [REDACTED] also mentioned something about him being a police officer?

[REDACTED] That he had police training.

GARCIA: Police training. Okay.

[REDACTED] I think that was the word [REDACTED] used.

GARCIA: Did [REDACTED] say where?

[REDACTED] No.

GARCIA: No.

[REDACTED] Not that I heard, no. We were mainly trying to get information from [REDACTED] to who to call. Eventually reached [REDACTED] it sounded like [REDACTED]

GARCIA: So after talking to [REDACTED] what, what is your impression as far as what happened upstairs?

[REDACTED] That they had, had some sort, they were having an argument, uh, and, uh, [REDACTED] kept claiming that he would never hurt her. Uh, and that suddenly somebody came to the door and banged on the door that was about all [REDACTED] said regarding the argument. [REDACTED] said that they were having one, they were, uh, had did [REDACTED] describe it, spirited people. That they argue but they, they don't hurt each other. Uh, [REDACTED] who I understand who, [REDACTED] told me, [REDACTED] did call the police. Said that [REDACTED] heard him threatening [REDACTED] basically and that is why [REDACTED] called the police. That he had said something to the effect that don't do anything else, don't do anything else to make me hurt you again. And, that [REDACTED] was yelling or crying and saying [REDACTED] was out of here and that [REDACTED] was leaving. But [REDACTED] didn't leave and so [REDACTED] was kind of worried about that, that he was hurting [REDACTED] or going to hurt [REDACTED] and [REDACTED] was afraid to go up [REDACTED]

GARCIA: Okay. [REDACTED]

GARCIA: Next door, okay. So as far as your impression, as far as what happened is that, uh, they'd been arguing and then there was a loud bang at the door.

[REDACTED] Right.

GARCIA: And what else happened after that?

[REDACTED] Uh, all [REDACTED] said was that, uh . . .

GARCIA: I mean, what I'm trying to get at is if you're telling your neighbor what happened ----.

[REDACTED] Yeah, that's it. And [REDACTED] was behind the door.

GARCIA: Right.

[REDACTED] [REDACTED] said at one point that [REDACTED] was behind . . . it sounded like [REDACTED] was sort of hiding behind the door when he went to the door.

GARCIA: Oh, okay. And when he went to the door he had a gun in his hand or . . . ?

[REDACTED] That, that's what I surmised from what [REDACTED] was saying.

GARCIA: Okay.

[REDACTED] 'Cause we asked [REDACTED] did he have a gun? And [REDACTED] said, yes, we have a gun. But, I, my, my impression was that he had gone to the door with a gun and eventually had cracked the door.

GARCIA: Okay. And that's when he was shot?

[REDACTED] And may have, may have, I just assumed that maybe the gun was seen at that point. But that's my own ---- the story.

GARCIA: Okay, I think we've covered just about everything. Uh, is there anything that I forgot to ask you?

[REDACTED] Not that I can think of.

GARCIA: Okay. So we'll go ahead and conclude the interview. The time is now approximately 2154 hours.

(END OF INTERVIEW WITH [REDACTED] TAPE 1, SIDE 1)

GARCIA: Okay

COPY

VIOLATION: OIS

(X) INTERVIEW () CONVERSATION () TELEPHONE

NAME OF INTERVIEWEE: Gladis nm Amstutz

DATE/TIME OF INTERVIEW: January 23, 1993, 2204 Hours

LOCATION OF INTERVIEW: [REDACTED]

CONDUCTED BY: Inv. R. Garcia - OCSD - Homicide

TRANSCRIBED BY: P.L. Christian - OCSD - Investigation

---*--- (DENOTES INAUDIBLE PORTIONS OF TAPE)

GARCIA: My name is Investigator Rudy Garcia. Today's date is 1-23-1993. The time is approximately 2204 hours. And this is an interview being conducted [REDACTED] And the person being interviewed [REDACTED] [REDACTED] Date of birth of [REDACTED] Also present during the interview is last [REDACTED] Date of birth of [REDACTED] Okay, [REDACTED] Basically what I'm gonna be doing is, uh, what I want to do is I want to ask you what you can remember as far as the incident that happened today? Okay.

[REDACTED] Um-hum.

GARCIA: And what I want to do is I want to try to narrow it down to what you heard and what you saw. And not what anybody else has told you. After you've told me what you heard and saw then we can get into what...

[REDACTED] Okay.

GARCIA: ...other people have told you.

[REDACTED] Uh-huh. Uh-huh.

GARCIA: Okay. You can start out by saying, you know, the time approximately the time. And what you heard.

[REDACTED] Okay. Are you ready now?

GARCIA: I'm ready now.

[REDACTED] Okay. Um, I think it was about quarter to six o' clock in

the afternoon.

GARCIA:

Okay.

I was on the phone [REDACTED] I didn't hear anything as far as big commotion or anything like that, but I...as I was talking to [REDACTED] I heard this...I thought firecrackers.

GARCIA:

Okay.

And I said to [REDACTED] "...Oh, [REDACTED] are putting firecrackers on the garbage can." Because it sounds very loud and it's continue, it was quite a few times. And I said to [REDACTED] "I'm gonna hang up. This is something wrong here." And by then this noise had stopped. And then I started hearing this [REDACTED] screaming "Somebody help [REDACTED] Please somebody help [REDACTED]" And it got worse and worse. And [REDACTED] was crying and screaming. That's all I heard. That's...I didn't see anything. I went to the window and I asked a neighbor that was standing on...on the, uh, downstairs. Back of the...in back of the building. I said "Is this going on in your building?" And this [REDACTED] said "no, it's your building." So I said "Oh, my God." You know. Something is terrible...uh, something happened, but I didn't know what it was. Came out to the window and I didn't see really anything at that point. So I told, uh...oh, I'm sorry. I did forget something. When I heard the [REDACTED] screaming, I called 911.

GARCIA:

Um-hum.

I did. And they, uh, police woman said that they had already dispatched somebody. That if I had heard the shots. And that's when I knew it was shots for sure because she...but she said "did you hear the shots?" And I said "yes." Says "we already there. We about to get there." Or something like that. And at that point I hung up and called the manager for the building. And after that I had things to do so I just went out and look out of the window and I saw somebody put the tape, you know, things like that. But I did not get involved.

GARCIA:

Okay. So, basically, what happened is that maybe about,

uh, 5:45 you were on the phone?

A quarter to six, yeah about then.

GARCIA:

Okay. You were on the phone and, uh, [REDACTED]
is...

GARCIA:

Okay. Well, [REDACTED]
[REDACTED]

GARCIA:

Yes.

GARCIA:

Okay. Um, and you said that you heard the sound of
firecrackers, uh...

Yes.

GARCIA:

How many...how many, uh, sounds did you hear?

At least...at least seven. I would...six or seven...

GARCIA:

About seven. Six?

Pow, pow, pow, pow. And, now, when I think about it
that...what made me think afterwards, when I was telling

[REDACTED] It was like a cowboy movie. You know, you see
two people shooting. Ram, ram, ram, ram. This sort of a
noise.

GARCIA:

So it's it sounded like a shootout?

At first it sounded like firecrackers to me. I didn't
expect any shots, but then...

GARCIA:

Um-hum.

...when I was replaying it in my mind and talking to [REDACTED]

[REDACTED] I said...you know, I tried to explain it to [REDACTED]

I said it sounded like cowboy movies you know.

GARCIA:

Um-hum.

When they shoot...There is a shootout.

GARCIA:

Okay. As far as the sound that you heard, was it...was it
all the same type of explosion? Or was it, uh, different?
Um, what I'm trying to get at, was it the same gun or was
it a different gun?

Oh, my God.

GARCIA:

Two different guns. You couldn't tell, huh?

No.

GARCIA:

You know the sound of a shotgun is much louder than the
sound of a...of a, maybe a .22.

[REDACTED]

Yeah. I don't think I...

GARCIA:

Uh, you can't? Okay.

[REDACTED]

can tell you that

GARCIA:

That's fine.

[REDACTED]

I...I know a little bit about firearms very little and it's not---*---

GARCIA:

Okay. Now, as far as the sequence of the sounds that you heard...

[REDACTED]

Um-hum. At the beginning they were pretty close.

GARCIA:

Like they were repeated maybe?

[REDACTED]

Right. Pow, pow, pow, pow, pow. And then two more came. And those came separate. And that was why I kept thinking it sounded like a movie because at first it was like firecrackers. Very fast. Very quick. Repeated.

GARCIA:

Um-hum.

[REDACTED]

And then there was a space. Not...not very long, but a few seconds longer than the first.

GARCIA:

Okay.

[REDACTED]

And two more came up and I can't tell you where those two were number six, seven or eight.

GARCIA:

Okay.

[REDACTED]

I mean, something like that.

GARCIA:

And the...the sound was coming from what direction?

[REDACTED]

Okay. Well, see it...I was in the back.

GARCIA:

Right.

[REDACTED]

And because...

GARCIA:

So you were in the bedroom?

[REDACTED]

...of the echo...yes. It sounded like it was the building next door.

GARCIA:

So it sounded...okay.

[REDACTED]

So I didn't even know it was in my building.

GARCIA:

Okay. So it sounded like the building, uh, let me see if I get my parameters right, it sounded like the building on the east side? No, the...wait. On the, uh...

[REDACTED]

The, uh, the west...let me see, no, that's where the southwest ---*---

GARCIA:

No. That's east.

[REDACTED]

East?

KOCH:

I think so. ----

Yeah, because the ----is out there

KOCH:

No. Not down there. It's ----

GARCIA:

Okay. Well, if facing the apartment complex, it would be the building on your left.

It was the rear of our building.

GARCIA:

Okay.

---- huh?

GARCIA:

Right. Okay. And, um, let's see. After that you hung up, uh, you continued the conversation with uh... I...I was a few seconds with and...and then when I started hearing the crying and screaming "Please, somebody...oh, my God." said "oh, my God" so many times.

GARCIA:

Um-hum.

That I heard clearly. "Please, somebody help." Please somebody help....almost if something...somebody would attack That's what sounded to me at that moment. And, uh, oh, oh, because kept saying "please help. Somebody come help"

GARCIA:

Um-hum.

And, uh, at that point I called the police when I heard crying.

GARCIA:

That's when you dialed 911; is that right?

Yeah. Yeah.

GARCIA:

Where was, uh, voice coming from?

To me it sounded like the building next door.

GARCIA:

Okay. Again. So the way the sound was traveling it sounded like next door?

Yeah. It echo into my bedroom. Like if it was across from me instead of sideways. That's why when I opened the window and I saw a neighbor downstairs, and I said is this happening in your building? Because the sound was so loud. And said "no, it's coming from that apartment."

pointed at the apartment

see.

GARCIA:

The apartment

GARCIA:

Um-hum.

...from me. And I'm

GARCIA:

Uh-huh.

So this looking and then saying "it's

GARCIA:

Oh, okay.

So that's when I found out that it was in our building.

GARCIA:

Okay. Now, this that's screaming. Um, what else does say? "Please help

All repeated was that. "Oh, my God. Oh, my God."

That..."Oh, my God. Please somebody help

Please." And then just screamed louder and louder

was looking like out of control. . .

GARCIA:

Okay. Now...

And crying.

GARCIA:

...prior to the...the shots being fired, did you hear any loud voices?

Not at all. Nothing.

GARCIA:

Any loud banging on the door, maybe?

No. I didn't hear anything.

GARCIA:

Any commotion? No?

None at all. I didn't know anything was happening, until I heard the noise of these firecrackers in my mind. You know.

GARCIA:

Okay. Now, you were in the bedroom when this happened then, right?

Um-hum.

GARCIA:

Is it a Or is...

Yeah. Um-hum.

GARCIA:

You were in the I take it?

No. I was it was the

GARCIA:

You were in the

Um-hum.

GARCIA:

Okay.

GARCIA:

, okay. And, uh...

And the windows were closed.

GARCIA:

Windows were closed. Now, when you stepped outside and

spoke with this neighbor, uh...

I didn't step out.

GARCIA:

. . . No? . . .

. . . just leaning over the window.

GARCIA:

Okay, so you opened the window. . .

I opened the window, and I looked, and I had a screen so I couldn't really look out because the screen wouldn't let me put my face out. So, I saw a neighbor [REDACTED] that was kind of looking around what's happening.

GARCIA:

Was [REDACTED] also inside [REDACTED] apartment?

No, [REDACTED] was out on the first floor, outside in the uh, walkway.

GARCIA:

Okay, on the walkway? And that's when you asked [REDACTED] if it's was coming from [REDACTED] building?

Yeah, I said, "Something is happening in your building" and [REDACTED] pointed to my building [REDACTED] And [REDACTED] says, "looks like the unit on the front", [REDACTED] said to me.

GARCIA:

But [REDACTED] thought it was [REDACTED] . .

. . . [REDACTED] yeah. . .

GARCIA:

Okay. And what did you do after that?

I called the uh, [REDACTED] that runs this building [REDACTED]

. .

GARCIA:

. . . manager. . .

. . . [REDACTED] um-hmm. And. . .

GARCIA:

GARCIA:

GARCIA:

Okay.

So, I phoned [REDACTED] up, and, uh, I was pretty upset because it scared me. And, uh, I said ---*--- is not home. And [REDACTED] says I'm driving right back here. I said, I think it's next door. And [REDACTED] said, "don't worry about it, I'm coming right now", so [REDACTED] came within a few minutes.

GARCIA:

Okay, and I take it you left after that?

No, I stayed around, [REDACTED] came in and I saw the other neighbors downstairs. So, I figured you know, I looked over I saw you all out there and I just you know, that's

it.

GARCIA:

Okay. Did you get a chance to anybody as far as finding out what happened?

No, I'm forgot, you know, I would like to know, but no, nobody really. [REDACTED] went back, and [REDACTED] was supposed to stop at my house and [REDACTED] never made it in.

GARCIA:

Um-hmm.

[REDACTED] saw me [REDACTED] knew I was okay. I told [REDACTED] came back home. So, [REDACTED] just left to take care of somebody down there. I didn't see [REDACTED] again, so I haven't talked to [REDACTED]

GARCIA:

Okay. Now, as far as the people involved, the people involved are um, [REDACTED] his name is Sylvan Byrd and they live in apartment number four. That's where it happened apartment number four. Do you know these people at all?

I know the gentleman uh, just from seeing in and out and, I have to tell you he was sun tanning all afternoon today. So when I was working in my car he even gave me a piece of tape to help me fix my car. He was very nice, that's all I can say.

GARCIA:

He's just a very nice individual then?

Yeah.

GARCIA:

Yeah. Did you notice if he was having any problems with [REDACTED] Did you see [REDACTED] maybe go out there and talk to him while you were out there?

Um. You know, I don't remember seeing [REDACTED] today. [REDACTED] might have been, but I don't remember seeing [REDACTED]

GARCIA:

Okay. So, you were washing your car today and he was sunbathing out there?

I was repairing my car.

GARCIA:

Repairing okay.

He thought that was cool, I guess. So he uh, said do you need any help. I said no, no I'm fine. I changed the headlight on my car, so he gave me a piece of tape to help me tape it. Because my --- license so I have to fix it. So he was really nice and he said two, three times today that the weather was so nice that he didn't want to be

inside. That, yeah, he repeated that three times today. During the day.

GARCIA:

. . .Um-hmm what time was this. . .

. . .such a wonderful weather, I want to be outside. He was there all day. He was outside all day, he was cleaning the garage, I think he was ----in the back.

GARCIA:

Did he appear like maybe he had been drinking?

I don't think so. To me I don't know.

GARCIA:

Did you see any beer, I mean . . .?

Um, he had a glass in his hand in the afternoon. I thought it was ice-tea, but then. . .

GARCIA:

. . .you don't know. . .

. . . it could have been bourbon and coke for all I know.

GARCIA:

Okay. Is that the only contact that you had?

"Hello and Goodbye". I never knew them or in fact today probably is the day I talked to this gentleman the most.

GARCIA:

Okay. So, you're not aware of any problem that they might have been having?

No, and I never even say hello to the [REDACTED] was kind of very quiet person. And [REDACTED] never said hello to me and I never said hello [REDACTED] so that was that. I don't think they've been here very long. I think they were in the building maybe a few months at the most.

GARCIA:

How many months approximately?

I think maybe two months or so, they haven't been here very long.

GARCIA:

So, they moved in after you, you'd been living here.

Um-hmm.

GARCIA:

Okay.

And I never knew there was any arguments or anything.

GARCIA:

Okay. So, as far as any previous arguments or previous times the police might have been here, you're not aware of any of that then?

No.

GARCIA:

Okay. Is there anything that I forgot to ask you?

Really, I wish I could help you, but I really don't know anything other than you know, what I saw from the balcony. In the afternoon, you know, people coming in and out. I

know something happened but I really. . . and all I heard was, you know, the noise, I sh. . . tried to describe.

GARCIA:

Okay.

Sorry.

GARCIA:

I'll go ahead and conclude the interview then the time is approximately 2218 hours.

END OF INTERVIEW

DR NUMBER: 93-04064

VIOLATION: OIS

() INTERVIEW (X) CONVERSATION (X) TELEPHONE

NAME OF INTERVIEWEE: CONTROL 1, RED CHANNEL

DATE/TIME OF INTERVIEW: JANUARY 23, 1993 - 1745 TO 1747 HOURS

LOCATION OF INTERVIEW: CONTROL I DISPATCH TAPE

CONDUCTED BY:

TRANSCRIBED BY: E. Hargrave, OCSD, INVESTIGATION DIVISION

---*--- (DENOTES INAUDIBLE PORTIONS OF TAPE)

DISPATCHER: 48 X-RAY 2, UH, YOUR LOCATION?

48 X-RAY 2: 3572, 3572, NUMBER 4, HOWARD.

DISPATCHER: THANKS.

48 X-RAY 2: WE ARE CODE 4, 1 DOWN, NO OFFICERS HURT.

DISPATCHER: COPY, CODE 4, 1 DOWN, UH, AND YOUR STATION ADVISED
THAT YOU'LL BE HANDLING ON GREEN CHANNEL. CONTROL
AND CLEAR. 1034 RED.

48-X-RAY 2: THANKS CONTROL.

() INTERVIEW (X) CONVERSATION (X) TELEPHONE

NAME OF INTERVIEWEE: LOS ALAMITOS P.D. GREEN CHANNEL

DATE/TIME OF INTERVIEW: 911 CALL & 998 ON JANUARY 23, 1993.

LOCATION OF INTERVIEW: ORANGE COUNTY SHERIFF'S DEPARTMENT DISPATCH

CONDUCTED BY: ORANGE COUNTY SHERIFF'S DEPARTMENT DISPATCHER

TRANSCRIBED BY: J. GRENS, OCSD, INVESTIGATION DIVISION

--**-- (DENOTES INAUDIBLE PORTIONS OF TAPE)

UNKNOWN: 21019 SM

DISPATCHER: X-RAY 2, 10-04

DISPATCHER: 911 Emergency

Hi. Uhm. I live on Howard Street in an apartment building in there. It's a real, uh, disturbing fight, to me, going on in one of the apartments and I don't know if it's appropriate for me to call or not but
--**--

DISPATCHER: What kind of fight does it sound like?

What?

DISPATCHER: What kind of fight does it sound like?

Well, you know....

DISPATCHER: Physical? Verbal?

Well, the guy said something, "I don't want you to do anything to make me hurt you again." And they're screaming and yelling and I don't know if [REDACTED] getting hurt or not.

DISPATCHER: Okay. So it's a [REDACTED] versus male?

Uh huh.

DISPATCHER: And it's inside an apartment?

Yes.

DISPATCHER: And do you know what apartment number?

LAURIE:

Uh. No, I don't. I'm apartment number three.

DISPATCHER:

Uh huh.

And it's an apartment up the steps.

DISPATCHER:

You no, I'm on...

DISPATCHER:

You're on?

If the policeman were going to come up, number three would be on his right and it would be up the stairs to his left.

DISPATCHER:

OK. And what is your name?

Uh.

DISPATCHER:

I'm sorry. What?

DISPATCHER:

OK. And your calling from

Yes.

DISPATCHER:

OK. If you see anybody leave or you hear anything else going on, give us a call back before, if we get there before that.

OK.

DISPATCHER:

happens. OK?

OK.

DISPATCHER:

Thanks.

They're still up there.

DISPATCHER:

All right.

Right.

DISPATCHER:

Bye.

DISPATCHER:

48 Bravo 2.

48 BRAVO 2:

Bravo 2.

DISPATCHER:

Bravo 2 with X-RAY 2 to follow, 415 verbal, heard only in the apartment building of 3572 Howard, 3-5-7-2.

and
advises that it is upstairs from
somewhere. unsure which apartment.
Appears only verbal at this time, and it's
a male versus

48 BRAVO 2: Bravo 2, 10-04.
X-RAY ONE: X-Ray One
DISPATCHER: X-RAY one.
X-RAY ONE: X-Ray One, when you get a chance I need the
start time on this call and DR number and
a 926.
DISPATCHER: 10-04, 10-23 FM.
DISPATCHER: X-RAY one?
X-RAY ONE: X-Ray One.
DISPATCHER: X-RAY one, confirming your location is
Ball, about a mile west of the boulevard?
X-RAY ONE: Yeah, make it Spring and Claremore. Just
west of Claremore.
DISPATCHER: 10-04 on Ball?
X-RAY ONE: I'm sorry. Uh. Yeah.
DISPATCHER: 10-04, Ball and Claremore.
X-RAY ONE: ---*---
DISPATCHER: 10-04
X-RAY TWO: X-Ray, 10-97 3500 block of Howard.
UNKNOWN: Message received.
DISPATCHER: 10-4 X-Ray two, 10-97. Hi. This is Los
Alamitos P. D.
TOW TRUCK DISPATCHER: Uh hmm.
DISPATCHER: We need you for storage.
TOW TRUCK DISPATCHER: OK. Los Al P. D. OK?
DISPATCHER: This will be at Wardlow and Claremore?
TOW TRUCK DISPATCHER: Wardlow...
UNKNOWN: ---*---
TOW TRUCK DISPATCHER: Clairmont, Clairmont?
DISPATCHER: Claremore.
TOW TRUCK DISPATCHER: Claremore.
DISPATCHER: Which is actually the City of Long Beach.
UNKNOWN: ---*--- Are you in the van?
TOW TRUCK DISPATCHER: City of Long Beach
DISPATCHER: Uh huh.
TOW TRUCK DISPATCHER: OK then.
DISPATCHER: ETA

UNKNOWN: 10-4
TOW TRUCK DISPATCHER: About 20 minutes.
UNKNOWN: 500 needs you to 10-87 with him, uh.....
DISPATCHER: Thanks a lot. Good bye.
UNKNOWN: ---***--uh, within five.
UNKNOWN: 10-04, um, enroute now. Where at?
DISPATCHER: Make that Bev Mount, Bev Manor and the
boulevard. ---***-- that's going to be the
fire station.
UNKNOWN: 10-9
DISPATCHER: Bev Manor and the Boulevard Fire Station.
UNKNOWN: Uhm. If you want I can just go 10-19, I'm
not going anywhere.
DISPATCHER: Negative. Meet him there.
4-10: 4-10, 961.
DISPATCHER: 10
4-10: 4-10, commercial 4Mikel3206, Lampson and
Elder.
DISPATCHER: 10-04
DISPATCHER: 48 X-RAY 1
48 X-RAY ONE: X-RAY 1
DISPATCHER: X-RAY 1, 926A is Mr C's, ETA within 20,
1036 was 1721 and your DR number will be
154, 1-5-4.
48 X-RAY ONE: 10-4.
48 BRAVO 2: Bravo 2, I'm 10-97.
DISPATCHER: Bravo 2, 10 04, 10-97 on Howard.
48 BRAVO 2: Bravo 2. We'll be at apartment number
four.
DISPATCHER: Confirming. Apartment four?
48 BRAVO 2: 48 Bravo 2, 9-9-8, Bravo 2, 9-9-8.
DISPATCHER: Bravo 2, copy 9-9-8, at 3572 Howard, 3-5-
7-2 Howard, apartment four.
41-202: 41-202 is going to respond from the
freeway
UNKNOWN: Start rolling. Uh. Forty one. Until
code 4.

DISPATCHER: Forty one units are rolling. 202, 204.
48 BRAVO 2: 204, from Bev Manor.
UNKNOWN: ---**-- One, Bev Manor
UNKNOWN: One thirty, both units are 913.
DISPATCHER: 911, Emergency
UNKNOWN: Yeah. I've had gun fire, right out here -
---**--
DISPATCHER: Thank you, we're out, we're there. Thank
you.
UNKNOWN: OK.
48 BRAVO 2: Bravo 2
DISPATCHER: Where are you calling from?
UNKNOWN: ---**-- X-Ray 2.
48 BRAVO 2: Bravo 2
UNKNOWN: You OK?
7-998: 7998. The officers are code 4. We have a
suspect down and we'll need station 91.
UNKNOWN: Hurry.
7-998: We're in apartment number four.
UNKNOWN: Hurry.
DISPATCHER: 10-04, Copy 998, 3572 Howard. Code 4,
your code 4. Ninety one will be
responding.
DISPATCHER: Los Alamitos Police Department. Do you
have an emergency?
UNKNOWN: No. I don't.
DISPATCHER: Hold, please. Hold on.
UNKNOWN: I'll contact ninety one.
DISPATCHER: Ok. Thanks, bye.
48-SAM 2: Forty eight, Sam-2, notify, uh ---**--stop,
notify ---**--. Have them respond to the
scene.
DISPATCHER: SAM 2, 10-04.
48-100: Forty eight 100, I copy on the radio. Be
about, seven or eight.
DISPATCHER: One hundred, 10-04.
X-RAY 2: We are code 4. One down. ---**--

UNKNOWN: Uh, Code 4. One down. Uh, and your station advises you'll be handling on green channel. Control one clear, 10-34 red.

DISPATCHER: 911. Emergency.

UNKNOWN: Yes. Uhm. This is, uh, someone in Los Alamitos. I'm on Howard.

DISPATCHER: Yes. Did you hear a gun fire?

UNKNOWN: Yes.

DISPATCHER: We're already there. Thank you

UNKNOWN: Thank you.

48 SAM 2: 48-Sam 2, re-advise the, uh, street address.

UNKNOWN: Sarge, we're at 3572, apartment 4, Howard. Did you copy, Sarge?

48-SAM 2: Affirm.

UNKNOWN: 10-04, ---- code, uh paramedics

UNKNOWN: Los Alamitos

DISPATCHER: Ninety one's enroute.

UNKNOWN: 10-04

UNKNOWN: ---- 197

DISPATCHER: 10-97, ---- 02

UNKNOWN: ---- officer.

DISPATCHER: All right. 10-04

DISPATCHER: Thank you for waiting. Can I help you?

UNKNOWN: Yes. I'd just like to make a report of something I saw yesterday by the, the Los Alamitos High School.

DISPATCHER: Great. Yes?

UNKNOWN: Are, are you the person I talk to?

DISPATCHER: I don't know. What did you see.

UNKNOWN: Well, I think it was a drug purchase and I just wanted to tell you the type, ah type of vehicle that the, the person was in it, sold it.

DISPATCHER: Ok. What you should probably do would be to contact detective Dandoy on Tuesday.

UNKNOWN: On Tuesday?
DISPATCHER: Yes. He'll be in Tuesday and he handles our narcotics.
UNKNOWN: Ok. And his, his name is?
DISPATCHER: Detective Dandoy. D-A-N-D-O-Y.
UNKNOWN: D-A-N
DISPATCHER: D-O-Y
UNKNOWN: D-O-Y. Dandoy
DISPATCHER: Right.
UNKNOWN: And not until Tuesday.
DISPATCHER: Right. Ok?
UNKNOWN: All right, Thank you
DISPATCHER: Uh hmm. Bye
UNKNOWN: ---**-- I left a message on his recorder.
UNKNOWN: Hi.
DISPATCHER: You did get ninety one?
UNKNOWN: Yeah.
DISPATCHER: Thanks.
UNKNOWN: Howard is up front.
UNKNOWN: Good deal.
UNKNOWN: Off of green, right?
DISPATCHER: Huh?
UNKNOWN: Where's Howard. Farquhar?
DISPATCHER: Uhm. Where's Howard?
UNKNOWN: Yeah.
DISPATCHER: Yeah. You can reach it off the boulevard. It's right past our... It's, uhm, right past Farquar. It's the first street.
UNKNOWN: It's north of Farquar.
DISPATCHER: North of it.
UNKNOWN: ---**-- OK. Thanks
DISPATCHER: Uh huh. Bye.
UNKNOWN: Bye.
48-100: 100, what was the address, 3500 block of --
**-- Is that it?
DISPATCHER: 100. That's affirm, 3572 Howard. 3-5-7-2, apartment 4.

UNKNOWN: Howard?
DISPATCHER: That's affirm, Howard.
48-100: 10-4.
DISPATCHER: Los Alamitos Police.
UNKNOWN: Yes. I've ---*---
DISPATCHER: Last unit with traffic?
BRAVO ONE: Bravo-1, we're getting sketchy on the packset. We have no officers, ah, hurt, affirm?

DISPATCHER: Bravo one, that's affirm. They are code 4. No officers hurt.

DISPATCHER: Bravo one and X-Ray, I'm confirming both of you are enroute over there?

BRAVO-1: Uh. 10-09.
DISPATCHER: Confirming you are enroute to Howard?
BRAVO-1: That's negative, uh, we both have, ah, prisoners in our cars.

DISPATCHER: 10-04.
1-220: One 220. Just to verify Howard is the first south of Katella.

DISPATCHER: North of Farquar.
1-220: 220 thats affirm.
UNKNOWN: Yeah, right across from EXXON.
1-220: 220, 10-09
DISPATCHER: Right across...
UNKNOWN: Right across from EXXON Station.
1-220: 10-04 copy.
DISPATCHER: 911. Emergency
EARL: Yeah, this is Earl.
DISPATCHER: Yeah.
EARL: Is that attorney still in the, uh, station?

DISPATCHER: No. He's not.
EARL: Uhm.
DISPATCHER: He did leave.
EARL: Try and get hold of him, if you can.
DISPATCHER: Ok. And everybody is OK?

EARL: Yeah. All officers are fine.

DISPATCHER: Ok. Great.

EARL: So. Uhm.

DISPATCHER: Do you... Where do you... If I get a hold of him. Where would you like him?

EARL: Come back to the station.

DISPATCHER: Ok.

EARL: Let him know that two officers have just been involved in a shooting and are expecting to talk to him.

DISPATCHER: Ok.

EARL: Uhm. And, uh, did you get hold of Jessep?

DISPATCHER: We beeped him.

EARL: Ok.

DISPATCHER: And I haven't heard back yet. We just beeped him a couple of minutes ago.

EARL: Ok. Is Drake or the other dispatcher in the station?

DISPATCHER: Yeah. They're both here.

EARL: Ok. Fine

DISPATCHER: Ok? Uh huh. Bye.

EARL: Bye.

UNKNOWN: 41 BUY

UNKNOWN: Uh, if a unit, uh, that's responding here, if we could get a camera, 35, or so.

DISPATCHER: 10-04 41-410. Are you responding or are you still down south?

UNIT 41-410: No. I'm up here. I've got a camera if they need one.

DISPATCHER: 10-04

UNIT 41-410: 410. Can we get one of our forty one units, thats coming thats not 10-06, to block traffic coming, uh, let's see, westbound from the northbound street through this, uh, thing here.

DISPATCHER: Forty one, 201, are you 10-06?

UNKNOWN: ---*---

DISPATCHER: 41-410, 101 ---*--- will be enroute to
block the westbound traffic for North and
South Street.

UNKNOWN: 10-04

48 SAM-2: Forty eight, uh, SAM-2.

DISPATCHER: Forty eight, SAM-2.

48 SAM-2: Uh. Ninety one, uh, wants a, uh, air
ambulance, uh, to the scene. Put them on
standby please.

DISPATCHER: 10-04. I'll attempt to contact.

48 SAM-2: Unit, uh, 48, SAM 2 to, uh, units out on,
uh, Green Street. If we're, uh, going to
have an air ambulance respond, we'll have
them set down in the intersection of Howard
and Los Alamitos Blvd.

CONTROL 1: Attention all units and stations, for
Station 23, 487 commercial. Occurred
approximately at least 1742 hours from the
Buena Park Mall. Vehicle a big, 1989
Toyota Camary. Unknown direction of travel
from the area of Dale and LaPalma.

DISPATCHER: Last unit you were covered. Go again.

DISPATCHER: Forty one, 410, ---*---. No, I don't have
another unit that can, uh, respond, up
north. He's going to stay down south, so
you're going to have to find somebody that
can close off the westbound, uh, traffic.

UNKNOWN: Yeah. We'll take care of that.

UNKNOWN: Tango One to forty one.

UNKNOWN: Radio traffic is covering each other.

KATHY: Hi. This is Kathy at Los Alamitos Police
Department. Do you have a air ambulance?

UNKNOWN: For Station 23, 487 commercial...

KATHY: Yeah.

CONTROL 1: ---*--- occurred approximately ---*---1742
from the Buena Park Mall, business called,
November Delta Golf Jewelry, N.D.G.

Jewelry, area of Dale and LaPalma. Unknown direction of travel on a Beige, 1989 Toyota Camary with the license plates similar to three, alpha, quebec, echo, 2-5-blank. Three, alpha, quebec, echo, 25 blank on a Beige, big 1989 Toyota Camary. Two suspects. Number one, the driver described as a male white only. Number two, described as a female asian. The loss is jewelry. For Station 23, 487 commercial. Control one.

DISPATCHER: We just had a city attorney ---***---
DISPATCHER: Oh.
UNKNOWN: Hello.
UNKNOWN: You doing Ok?
UNIT SAM 2: Unit, uh, Sam 2...
UNKNOWN: Yeah
DISPATCHER: OK.
UNIT SAM 2: to X-Ray one
X-RAY ONE: 48 X-RAY one. Go ahead
UNKNOWN: My hands are shaky. But I'm ok.
DISPATCHER: Hold on.
UNKNOWN: to X-Ray one....
UNKNOWN: Your hands are shaking?
UNKNOWN: Yeah. But I'm OK. I got [REDACTED]
are here now.
UNKNOWN: Come up to the top of the stairway, please
UNKNOWN: Oh, good.
UNKNOWN: OK
UNKNOWN: Uhm. Eighteen is going to pull one unit
UNKNOWN: ---*** 10-04
UNKNOWN: They need it for a priority call.
UNKNOWN: This is ---***---
UNKNOWN: Ok.
UNKNOWN: Thats affirmative.
UNKNOWN: And, so they're going to leave us with
one. Maybe we could call Cypress and see

if they can give us another one or something.

UNKNOWN: Ok. They're handling a 459 alarm already for us too.

SAM 2: Unit, uh, SAM 2 to Bravo 1.

UNKNOWN: Oh. Ok.

UNKNOWN: So, well, we'll, I'll check with ---**--

UNKNOWN: ---**-- what they can handle with this --
**--

UNKNOWN: Okay.

UNKNOWN: Okay. Bye

DISPATCHER: All right. Thanks. Bye

SAM 2: Good. Can I have you, uh, interview the, uh, [REDACTED] who was here in the apartment, please?

UNKNOWN: 10-4 were enroute to the station to the station.

DISPATCHER: US 201, be advised, 18 is pulling one unit for a priority call in Rossmoor. They're going to leave us one and he's been directed to stay at Howard and Los Al. Boulevard.

48-100: Control one 10-4. Forty eight one hundred, Station 48.

DISPATCHER: Forty eight, 100.

48-100: Forty eight, 100. 1021. Orange County Sheriff, Homicide Detail. Get a hold of them and tell them we've had an officer involved shooting. They contract with us to do our officer involved shooting investigations. Have them get hold of their supervisor and, uh, then a number where I can call him. We're going to need them to respond to this location.

DISPATCHER: 10-04. And just for info, we're trying to get hold of 36, see if they can spare another unit for traffic control.

4-10: 410
DISPATCHER: 410
CONTROL ONE: I can assist at the, the helicopter pad.
I've got a citizen helping out with, uh,
blocking off the west end of this.
DISPATCHER: 10-04. Are we going to need any other
type of traffic control that we can notify
36. Are we going to be code 4 with the
units we have.
UNKNOWN: Well, we'll give it a try with what we
got.
DISPATCHER: 10-04. Forty eight copy.
DISPATCHER: Forty eight copy.
48-100: 48-100 also you can start rolling Orange
County ID. Are you going to give them,
uh, let them know that the OCSO will be
handling the investigation, but we're
going to need them to get started. We
have a lot of evidence.
DISPATCHER: 100. 10-04.
UNKNOWN: Hello.
UNKNOWN: Hi.
UNKNOWN: ---*-- anything?
UNKNOWN: 41 X-RAY I'm 10-97.
DISPATCHER: No. Uh uh.
UNKNOWN: Okay
DISPATCHER: Thanks.
UNKNOWN: Bye.
DISPATCHER: Bye.
DISPATCHER: 10-4, x-ray 10-97.
48-100: Forty eight 100, also, when you get time
1021 forty eight thousand, just advise.
Tell him I'll get back to him let him know
the details soon as I can.
DISPATCHER: 10-04. Does 600 need to be notified?
UNKNOWN: 90. Lost forty eight.
DISPATCHER: Forty eight 100, uh, 600 need to be

advised?

UNKNOWN: Negative, on that.

DISPATCHER: 10-04. Thanks.

4-10: 4-10. Do we have an ETA for the chopper and, so we can, uh, shut this down?

DISPATCHER: 10-23

UNKNOWN: I'll call, uh, ID. Get them rolling.

UNKNOWN: I'm not having any luck getting through.

DISPATCHER: ---**-- 410 ---**-- SAM four.

DISPATCHER: You want the watch commander number?

UNKNOWN: No.

UNKNOWN: 10-4 thanks, we got it secured.

UNKNOWN: ---**--ha, ha, ha, forgot.

UNKNOWN: Yeah. Hello? Bigger?

BIGGER: Yeah.

UNKNOWN: Hi.

BIGGER: Hang on a second. Okay. I'm at a phone number where you can reach me. It's, uh, it's either [REDACTED] I got a portable phone I'm walking around with.

DISPATCHER: Okay. I'm sorry, [REDACTED]

BIGGER: Yeah. It's either [REDACTED] I can't read it. Or [REDACTED] and the rest of the number is [REDACTED]

DISPATCHER: Okay.

BIGGER: It's a Seal Beach portable phone.

DISPATCHER: Alright. Uhm.

BIGGER: I'll let you just tell them you've had one and the guy doesn't look good.

DISPATCHER: Okay.

BIGGER: We have two officers involved in a shooting. Tell them I got Orange County. Well, you can tell them that you've notified Orange County Homicide.

DISPATCHER: Okay.

BIGGER: ---**-- get a hold of them. Orange County ID is rolling.

DISPATCHER: Alright. Uhm. Our...
BIGGER: No officers hurt. We have a slight injury, Cantu a slight injury. We're, we're removing both officers now from here to the station.
DISPATCHER: Okay. Alright. Thanks.
BIGGER: I'll get. I'll get back to him as soon as I have anymore.
DISPATCHER: Okay. All righty.
BIGGER: Hey, and then give him to, call me with that number for the Orange County, uh, Homicide.
DISPATCHER: Okay.
BIGGER: ---**-- get a hold of them.
DISPATCHER: Got it.
BIGGER: ---**-- the watch commander.
DISPATCHER: Alrighty.
BIGGER: Bye.
DISPATCHER: Bye.
41-220: ---**-- 220, Forty one, 204
DISPATCHER: Forty one 204, Miller
41-220: 41-220, forty one, 204

(X) INTERVIEW () CONVERSATION () TELEPHONE

NAME OF INTERVIEWEE: ESTEE RACHAEL KENNEDY

DATE/TIME OF INTERVIEW: FEBRUARY 1, 1993 - 1952 HOURS

LOCATION OF INTERVIEW: [REDACTED]

CONDUCTED BY: INVESTIGATOR B. RUSSELL, OCSD, HOMICIDE

TRANSCRIBED BY: E. HARGRAVE, OCSD, INVESTIGATION DIVISION

---**--- (DENOTES INAUDIBLE PORTIONS OF TAPE)

RUSSELL: Today is Monday, 2/1/93. The time is 1952 hours. The following interview will be reference case number 93-04064. I'm Investigator Bob Russell, Orange County, Orange County Sheriff's Department and I'll be interviewing subject last name [REDACTED]

[REDACTED] Also present is Investigator Rudy Garcia, Orange County Sheriff's Department. The interview is taking place at [REDACTED]

[REDACTED] Hum-um.

RUSSELL: [REDACTED] Okay, uh, I'll call you [REDACTED] you called the Sheriff's Department this morning. And, uh, uh, I came on the phone. Actually, you talked to somebody else first and they referred you to me. I came on the phone. It was about 8:30 this morning.

[REDACTED] Correct.

RUSSELL: And you identified yourself as the [REDACTED] Sylvan Byrd.

[REDACTED] Yes.

RUSSELL: Who, uh, uh, was shot on the Saturday, the 23rd, over in the city of Los Alamitos. Uh, you, you say you're [REDACTED]

[REDACTED] Yes.

RUSSELL: How long have you been, uh [REDACTED]

[REDACTED] We've been [REDACTED]

RUSSELL:

Okay.

[REDACTED] We were [REDACTED]

RUSSELL:

So do you remember when you [REDACTED]

[REDACTED] I believe it was [REDACTED]

RUSSELL:

Okay, [REDACTED] And when were [REDACTED]

RUSSELL:

[REDACTED] It was, um, I don't remember, like

[REDACTED] something. I'm not sure.

RUSSELL:

[REDACTED] about, or about there in [REDACTED] Where were you

RUSSELL:

[REDACTED] Okay, when I, when you, when I talked to you on the phone this morning briefly you said, uh, what you guy, I'm just, uh, surmising, you said what you guys did to Sylvan is what he wanted. And that's when I told you we didn't, we weren't involved in the shooting we're just investigating it.

[REDACTED] Exactly. Right. And I said well whoever . . .

RUSSELL:

. . . and you said, "Whoever did it, did what he wanted." Right.

RUSSELL:

What did you mean by that?

[REDACTED] Um, Sylvan over the years had always impressed me with the fact that I thought he had a death wish. He would drink too much and he would get out guns . . . play old music very, very loud, old cowboy music. And start talking about being a "strong young warrior" and saying, todays a good day to die. And I would tell him, you know, hey, you got neighbors over here. You're going to hurt somebody. He says, okay, let the police come, you know, they can take me out that's an honorable way to go and that's how he wanted to die.

RUSSELL:

Okay. Did your, uh, so you were, uh, [REDACTED] and you since [REDACTED]

[REDACTED] Hum-um, yes.

RUSSELL:

Is it, now [REDACTED] that was here

when...who is now upstairs.

He is not a [REDACTED] no.

[REDACTED]
RUSSELL:

Okay. Did you have any [REDACTED]

No. ---**--- Jesus.

[REDACTED]
RUSSELL:

Okay, where did you first meet Sylvan?

Um, I met him at a [REDACTED] I think it was [REDACTED]

RUSSELL:

Over [REDACTED]

Yeah, it was in [REDACTED]

[REDACTED]
RUSSELL:

Okay. Had he been married prior to that?

No. No, he'd never been married.

[REDACTED]
RUSSELL:

Okay, now he was 40-years-old. So he would've been, uh, 1979.

[REDACTED]
Well I was 39 so he had to be 37.

RUSSELL:

Thirty-seven when you [REDACTED]

No, 27. No, wait a minute. I was . . .

[REDACTED]
RUSSELL:

At 27 . . . 27

Yeah, 27.

[REDACTED]
RUSSELL:

He was 27 when you [REDACTED] Um, do you know anything about his background, about where he's from?

[REDACTED]
Uh, he was born in Long Beach. Uh, he has two (2) sisters, one (1) brother. His father died when he was in his teens and I know it was a real traumatic experience for him because he was there when his father had the heart attack and he always felt bad. Uh, he thought that the paramedics didn't take the proper care with him and his father would still be alive if they hadn't screwed around. And, I mean he had a lot of bitter feelings, you know, he felt that his mother had thrown away the family business. They had a, uh, used car business or something on Beach Boulevard and the brothers, uh, his father had taken advantage of the family. I mean he went, he went on about this till the day [REDACTED]

[REDACTED]. And so he was very bitter about that. Um...

RUSSELL:

He was in the service, did you know that? Marine Corps. Yeah, he was in the Marine Corps. Uh, he had gotten the

Dress Blue Honor Award. Whatever that is.

RUSSELL:

Were [REDACTED] when he was in the Marine Corps?
No.

RUSSELL:

Do you know when he was in the Marine Corps?

I think he went in right after high school.

RUSSELL:

Okay. Do you know where . . .

So that would be like '70. And he, I know he was
stationed down at Camp LeJune

RUSSELL:

North Carolina?

Hum-um. He never went to Vietnam, although you'd think he
did from his stories. He was an Amtrac Instructor.

RUSSELL:

Amtrac?

Hum-um.

RUSSELL:

Okay, what kind of work did he do when you first met him?
He was unemployed.

RUSSELL:

Okay, ---*---.

And then he was working as, he'd collect unemployment, he
was working I think under the table for, uh, a guy who did
construction. He was working on these houses in Deer
Lodge Park up by Lake Arrowhead. And then [REDACTED] got
him a job as an oil, um, engineer for on a, what is it?
Some kind of engineer on an oil exploration ship. So he
was going out to sea like for three weeks and come home
for three weeks, and go out for three weeks, come back,
you know.

RUSSELL:

Just locally.

No, in New Orleans. Off of New Orleans.

RUSSELL:

Oh, so when you get . . .

Well, when he started he was off from Santa Barbara. Then
he was transferred to, um, it was right out off the tip,
you know of Louisiana. He took a helicopter out there to
the ship.

RUSSELL:

Okay.

I think he was on the Glomark Pacific, or something like
that.

RUSSELL:

Was it the off-shore, uh, drill rigs?

Hum-um. Drilling ship.

RUSSELL:

Okay, um . . .

And then he got laid off and that was when we were in Alaska.

RUSSELL:

Okay, so the two of you moved to Alaska?

No. Actually we lived in Lake Arrowhead. And, we wanted to get out of the city, so we moved to Idaho. And we were living in [REDACTED]

RUSSELL:

Okay, from Lake Arrowhead you moved to, you went, you went to uh, Idaho.

Idaho. Oldtown, Idaho.

RUSSELL:

When was that?

It was probably about a year after [REDACTED]

RUSSELL:

So we're talking 1980?

Yeah, I guess, '81. I'm not sure.

RUSSELL:

That's Oldtown, Idaho?

Oldtown, yeah.

RUSSELL:

It would be, uh, 1980 or 1981.

There about, hum-um.

RUSSELL:

And how long did you stay in Idaho?

RUSSELL:

Harrison or Harris?

Harrison. Yeah, it's Harrison. And, um, I think we were in Idaho, lets see, till about '86, '87.

RUSSELL:

Okay, so you left Idaho '86 or '87. And what did you do sell that farm?

Hum-um.

RUSSELL:

Are you from Idaho?

No, I'm from Long Beach.

RUSSELL:

What made you go to Idaho?

RUSSELL:

Okay.

RUSSELL:

Oh, okay. [REDACTED]

RUSSELL:

RUSSELL:

And then you left there in '86 or '87.

Hum-um. And at that time, um, we were, I wanted to get a [REDACTED] I went to Alaska and he followed me up there.

RUSSELL:

Okay, now you say, "You wanted to [REDACTED] You had enough." What do you mean you had enough?

Well that was the day when, uh, the treasury agent showed up with the SWAT Team.

RUSSELL:

Okay, you told me about that. Now, this was in Idaho? This was in Idaho, in Harrison.

RUSSELL:

Okay, why don't you tell me about that?

Well, we had this [REDACTED] move in across the street, and I can't remember [REDACTED] name, uh, but [REDACTED] does [REDACTED] can remember it. And, Sylvan took an automatic dislike to [REDACTED] He didn't like where [REDACTED] was building his house. He didn't like the fact that [REDACTED] sewer was running down into our sewer line, you know, drainage field and you name it, he just didn't like this [REDACTED] So when this [REDACTED] left town, because [REDACTED] worked away from the house, you know, from the area for like during the week and then [REDACTED] come home on the weekends. Sylvan would do things to annoy [REDACTED]

[REDACTED] Like he'd take his M14 out and make it sound like rapid fire like a machine gun and this scared this poor [REDACTED] to death. 'Cause I mean 'cause [REDACTED] was always . . .

RUSSELL:

. . . he would actually fire the weapon?

Oh, yeah. I mean we had a lot of property, it was 57 acres, you know. But he'd be out there and he was just having a hoot. He thought it was the funniest thing and [REDACTED] be out there, blah, screaming and yelling and running in the house. And, uh, so when [REDACTED] came back, uh . . . Oh, he had killed their dog. He'd shot the dog. The dog was in our back yard.

RUSSELL:

[REDACTED] shot and killed the dog.

[REDACTED] He shot, yeah. He chased the dog out the door and he went through the house, grabbed his gun out of the, uh, gun cabinet . . . rolled out the front door . . . rolled, you know, like you see in the movies.

RUSSELL:

Hum-um.

And landed in this position where he's lying down on the ground with this rifle and he blows away this poor dog.

RUSSELL:

What kind of dog?

Well just a black Heinz 57 long hair dog. It belonged to these people across the street.

RUSSELL:

What's a Heinz 57 dog?

No distinguishable breed.

RUSSELL:

Big dog? Small dog?

Medium size, you know, so big. Kind of like a border collie type, but all black.

RUSSELL:

Okay.

So anyway, he takes, I think he took the dog down to this [REDACTED] house and dumps it in the yard. The [REDACTED] comes back and they have words and I think that Sylvan really felt like he was going to push this [REDACTED] to the edge. So he, you know, would try to run [REDACTED] off the road when it was snowing. Um, he threatened to kill [REDACTED] animals, [REDACTED] horses. He says some night while your asleep I'm going to come over and kill your horses. This [REDACTED] had gorgeous horses. And I'm going to kill the rest of your animals and you better watch your step because I'll be right behind you. And he was telling me, you know, he was going to plant a bomb in the mailbox and all this other stuff. So anyway then the SWAT Team comes out. I had just dropped Sylvan off at the airport to take, uh, a flight to Louisiana. I come home, put my groceries down, there's a knock at the front door, and the next thing I know I open the door and there's this damn rifle in my chest. And a warrant and I just, you know, froze. I let them in. Let them have at it. They didn't find . . .

RUSSELL:

Search warrant? Search warrant?

[REDACTED]
RUSSELL:

Hum-um. And they were very nice guys. I mean at the end of it we were all kind of laughing about it.
Were the local authorities there also?

[REDACTED]
RUSSELL:

Yes.
And who would've that of been?

[REDACTED]
RUSSELL:

Hum . . .
Sheriff's Department?
From Saint Mary's, I think.

[REDACTED]
RUSSELL:

Saint Mary's.
Sheriff's Department, yeah.

[REDACTED]
RUSSELL:

Saint Mary's, Idaho?
I think. Yeah, I think it would be Saint Mary's.

[REDACTED]
RUSSELL:

What, what year was this?
It would have to be like December, November or December of '87 maybe. Because then that's when I said, that's it I'm leaving. I'm going to Alaska.

RUSSELL:

Okay, now when they came out with a Search Warrant what were they looking for?

[REDACTED]
They were looking for explosives and they were looking for automatic weapons.

RUSSELL:

And what was your, did you find out there reasoning was? What there Probable Cause was to get a Search Warrant to . . .

[REDACTED]
All he said was that he had a reliable source who said that he had these things.

RUSSELL:

Okay.
So we knew it had to come from the [REDACTED]
[REDACTED]

RUSSELL:

Okay.
Because I think that [REDACTED] had some very [REDACTED]

[REDACTED]
RUSSELL:

Okay.

[REDACTED]
RUSSELL:

And . . .
Did you ever talk to [REDACTED] about that or?
To whom?

[REDACTED]
RUSSELL:

To the neighbor after that?
Oh, no. I never talked. I was scared to. If he saw me talking to a neighbor he'd, you know.

RUSSELL:

If Sylvan would've saw you talking to the neighbor.
Oh, yeah.

RUSSELL:

Okay.

I mean, he always, he threatened all, you know, [REDACTED]
and me and we left. It was a really weird time being with
him. It was, you know, we didn't celebrate Christmas. We
didn't celebrate Thanksgiving. We weren't suppose to talk
to anybody really. I mean, we had, he has his circle of
friends called his gang that he went to high school with.
You know, like [REDACTED] who's listed in the newspaper
today. And then there's [REDACTED]
And he said if anything happens to me these guys are going
to get vengeance, you know, they'll blow the whole city up
and blah, blah, blah. I mean it was real crazy stuff.

RUSSELL:

Hum.

So um . . .

RUSSELL:

Can we back up here just a little bit.

Okay.

RUSSELL:

Now prior to [REDACTED] uh, Sylvan, you said that [REDACTED]
was, was living there. So you were [REDACTED] prior, you
have a [REDACTED]

Hum-um.

RUSSELL:

Okay, and what, what . . .

There was another winner.

RUSSELL:

Wait a minute now, [REDACTED]

RUSSELL:

RUSSELL:

RUSSELL:

RUSSELL:

RUSSELL:

[REDACTED]
Correct.

RUSSELL:

[REDACTED] So then you, uh, met, uh, Sylvan and got [REDACTED] Now so you're in Idaho, uh, and then all of a sudden you decide to go to Alaska.

[REDACTED] No, it wasn't all of a sudden.

RUSSELL:

[REDACTED] Well . . .

[REDACTED] I mean I wouldn't to be away. I wanted to be out of this relationship for a long time.

RUSSELL:

Right. But I'm not saying, I'm just, uh, saying from Idaho to . . .

[REDACTED] No, I started looking through magazines and brochures and job opportunities and things like that.

RUSSELL:

[REDACTED] Oh, okay. Okay.

[REDACTED] And I planned it. I mean I got their newspaper for a couple months. And, uh, just really . . .

RUSSELL:

[REDACTED] Where, where in Alaska?

[REDACTED] In Anchorage.

RUSSELL:

[REDACTED] Anchorage, okay. So were you, so you moved to Anchorage. And when did you move to Anchorage?

[REDACTED] It was, it was New Year's day, January. . .lets see...'87 I'm really bad with dates. It's like '87, I think.

RUSSELL:

Okay, you said that St. Mary's, the thing was in like November, December of '87. So it would've had to be '88 maybe?

[REDACTED] No. It was only like a month or two months after that, I said, I'm out of here, I'm gone.

RUSSELL:

Yeah, but your saying November, December of '87. So then you said New Years, so it would be '88.

[REDACTED] Yeah, it would be '88 that's right. That's only two months later.

RUSSELL:

Okay. Right. Okay. So it would be 1/1 of '88, you moved to Anchorage. And you took [REDACTED] with you?

[REDACTED] Hum-um.

RUSSELL:

[REDACTED] Okay, did you just, how, did you just left the house or you just left Sylvan?

[REDACTED] Hum, it was, I packed all my stuff and I stored a lot of [REDACTED] and I just took my, you know,

clothing and things like that.

RUSSELL:

He knew you were leaving?

Yes.

RUSSELL:

Okay. And then, uh, did you fly or?

I flew and then I had my car put on a boat in Tacoma.

RUSSELL:

Okay. And then now you say, Sylvan followed you. Was it later?

Hum-um. It was a couple of months later. And he came, you know, come on let's try to work this thing out. And, um, and I just, I didn't want any part of it but I couldn't, it was, you couldn't get rid of him.

RUSSELL:

Okay, so how long did you stay in Alaska?

One (1) year. Almost one (1) year to the day.

RUSSELL:

Okay, and Sylvan was there the whole time?

No, he came back. He went back to, um, Idaho and he was trying to sell our little ranch and so he was living there. And then, uh, I was going to a psychiatrist for, uh, I was having problems, you know, with the dark and the light. It was all dark that winter.

RUSSELL:

Okay, yeah.

I was going all buggy. And, um . . .

RUSSELL:

I was in Alaska. My partner, my other partner had in, uh, Wrangel Island.

Hum-um.

RUSSELL:

We had to fly up there on a case, on a case. And like at 10 o'clock at night it was still light out.

Oh, yeah. And the kids they're out there riding their bicycles at 1 o'clock in the morning. It's, incredible, and you can't sleep 'cause the sun is coming through the blinds.

RUSSELL:

Yeah.

So the doctor said, you know, the best thing for you is to get back down south to California, you know, where you can get the sun 'cause your body clock is all off.

RUSSELL:

Hum-um.

So anyway he kept telling me, you know, he wanted me to come home. I, I thought this would be a good opportunity

for me to get all my stuff back home and he could help me. But I told, I said, um, don't think that we're going to go back, you know. He said, well just let me come there and maybe we can work it out. So he came up and he stayed for I think we, we had to save a little bit more money and then we drove back down and we stayed with [REDACTED] I think for a couple of months and then we finally got, uh, a house [REDACTED]

RUSSELL: Okay, so you moved up there on New Year's day in '88. Uh, Sylvan shows up a couple months later. [REDACTED] You know what, it's all got to be a year earlier. I'm sorry. 'Cause I started . . .

RUSSELL: . . . '87 ?
[REDACTED] Yeah, I think I started at my job in '88. I'm in my job for five years, four years.

RUSSELL: Four years.
[REDACTED] So everything you have to move it up.

RUSSELL: 1/1 of '87.
[REDACTED] One. Yeah.

RUSSELL: And then this other St. Mary's would've been '86.
[REDACTED] Eighty-six ('86)

RUSSELL: And then we're talking, uh, how about the others? Uh, bought a small farm in, uh, Harrison, Idaho.

[REDACTED] No, the other dates are probably about right. But. . .
RUSSELL: Okay then, okay, you said you left in '86 or '87. So that would've been in '86.

[REDACTED] Yeah.
RUSSELL: And in '87 is when you moved up there. She, you stayed there about a year. You said, "Sylvan followed you up there a couple months later." Then when he first came, when you first got up there the first time he followed you up, how long did he stay?

[REDACTED] Oh, a couple of months.
RUSSELL: Okay, so, uh, January, February, say he got there in March. So he stayed maybe . . .
[REDACTED] Probably March or, March maybe.

RUSSELL: March. And he stayed . . .

[REDACTED] Then he came . . .

RUSSELL: . . . then he stayed until May.

[REDACTED] And then he came back. Well you see he was still working on the oil, I think he had one more trip on the oil exploration ship so he could've been gone longer.

RUSSELL: Okay. Just approximately.

[REDACTED] And then he left.

RUSSELL: Stayed for . . . how long did he stay?

[REDACTED] A couple of months, I guess.

RUSSELL: Stayed a couple of months.

[REDACTED] I was only up there for a year and then he was not there the whole summer, he wasn't there the whole summer. I think he came back like in, he came back in October.

RUSSELL: Okay, not there a whole summer.

[REDACTED] And he was living in a little trailer that he brought with him.

RUSSELL: Came back in October. Now, he drove back up there?

[REDACTED] Uh-huh.

RUSSELL: Okay. So then when did you, uh, when did you guys decide to come back down?

[REDACTED]: Um, I want, I was suppose to come back down . . . the doctor told me, you know, the best thing for you to do is come back to California. And that was probably in like September. But I didn't have enough money to get the car; everything back down again, you know. I certainly wasn't gonna drive by myself on that Alcan Highway.

RUSSELL: So . . .

[REDACTED] So when he volunteered to come up and help me get out of there, um . . .

RUSSELL: . . . it sounded like a pretty good idea to you?

[REDACTED] Yes.

RUSSELL: Okay. So he brought a little trailer. Was it like a little travel trailer? A little RV?

[REDACTED] Um, no not a RV.

RUSSELL: Oh, okay. Just a . . .

[REDACTED] Just a thing you pull behind him.

RUSSELL: Like a U-Haul trailer?

[REDACTED] Not very big, you know, like a 15 foot. No, it had, it had, it didn't have a potty I don't think. It had a little stove.

RUSSELL: A camping trailer?

[REDACTED] Yeah.

RUSSELL: One of those where you fold it over?

[REDACTED] No. Just, just a little, like a cracker box. But it was a trailer.

RUSSELL: But it was like a little RV trailer.

[REDACTED] I guess, yeah.

RUSSELL: Yeah, oh, okay.

[REDACTED] When I think of RV, I think of thing with wheels and a steering, you know.

RUSSELL: Well, there's travel trailers, and motor homes, and tent trailers what they call tent trailers where you have to fold 'em up.

[REDACTED] ---*---.

RUSSELL: Yeah. Okay, uh, so then you said almost a year to the day. So did you come back down in December of '87?

[REDACTED] No, it was January.

RUSSELL: January then of '88?

[REDACTED] No, it had to be '87. We moved everything up a year.

RUSSELL: Well you said, at first you said you moved to, uh, Anchorage in 1/1 of '88 and then we moved that back to '87.

[REDACTED] No. Came back, God, I can't remember the dates.

RUSSELL: You said you were at your job four or five years.

[REDACTED] I've been at [REDACTED] since '83 . . . since '88, '89. Eight-nine ('89), I've been there since '89.

RUSSELL: Okay. Okay.

[REDACTED] So I had gotten, I started in September so I got back from Anchorage, it had to be in '89, 'cause it was that January.

RUSSELL: Been at [REDACTED] since '89.

[REDACTED] Hum-um.

RUSSELL: Okay, so you came back, so then we were right the first time '88.

[REDACTED] Yeah, we're right.

RUSSELL: Okay, so we'll change that back to '88.

[REDACTED] I'm sorry.

RUSSELL: It's okay. Okay, so you came back down. . .

[REDACTED] Those things have never been important to me.

RUSSELL: So you came back down in January of, uh, '89. Drove back down with his trailer, you, Sylvan, and [REDACTED]

[REDACTED] Hum-um.

RUSSELL: You had a car up there.

[REDACTED] Hum-um.

RUSSELL: So did you bring both cars back down?

[REDACTED] Right.

RUSSELL: Okay.

[REDACTED] Then we had to abandon the trailer because he broke an axle or something and we left all our stuff up in the Klondike or whatever it is.

RUSSELL: Okay. Did you eventually get it?

[REDACTED] No.

RUSSELL: Never got it?

[REDACTED] No.

RUSSELL: You just left it?

[REDACTED] Yeah.

RUSSELL: You remember where you left it?

[REDACTED] Right at the, uh, it was like at the border. Because when we were going through the inspection thing, you know, to go from Alaska to Canada.

RUSSELL: Hum-um.

[REDACTED] The guy says there's something wrong with your tire, your wheel. So we got out, we looked, and he had a broken axle. It was just about ready to snap or something and they couldn't fix it, so we just left everything there.

RUSSELL: Which consisted of what?

[REDACTED] Not a whole lot. I can't remember. Stuff like a barbecue, the trailer, um, he had his truck, you know, that he was hauling it with, so he was able to pack a lot of stuff in there.

RUSSELL: Pickup truck?

[REDACTED]
RUSSELL:

Hum-um. He had a brown Chevy pickup truck. One of the, you know, regular standard size.

Remember what year?

[REDACTED]
RUSSELL:

No.

Okay.

[REDACTED]
RUSSELL:

He did buy it in Idaho.

Bought it in Idaho.

[REDACTED]
RUSSELL:

Hum-um.

Used? New?

[REDACTED]
RUSSELL:

New.

Remember where?

[REDACTED]
RUSSELL:

Hum, it's the only Chevy dealership in Coeurdalene. I can't think of it off hand.

[REDACTED]
RUSSELL:

The only dealer Chevy. Coeurdalene, how do you spell that? C-O-E-U-R, I think it is, D with a little slash, A-L-E-N-E.

[REDACTED]
RUSSELL:

Okay, do you remember what year it was?

[REDACTED]
RUSSELL:

I think it was Hart, H-A-R-T.

[REDACTED]
RUSSELL:

Hart Chevrolet?

It could've been.

[REDACTED]
RUSSELL:

Do you remember what year it was?

Uh, no.

Okay. Uh, so you come back down and you stay with his mother. Okay, let's, uh, let's back up again one more time. When you, when you first, uh, [REDACTED] Sylvan, or met him [REDACTED] uh, did he own any guns?

Several.

[REDACTED]
RUSSELL:

Okay, off-hand do you remember what kind of guns?

Uh, he had a .9mm. He had a .22 pistol. He had a .38, like a cowboy pistol. He had a, I think it was a, .10 gauge shotgun. He had, uh, like a, some kind of deer rifle. And he had this old thing that was his "father" that he called "Oh sure shot."

What kind of gun was that?

Some kind of rifle. I'm, I'm not sure what it was. Then he went out and he bought, uh, that M14. He bought a Walther PPK pistol. I think he bought another like hunting rifle. And I can't remember the rest, but he had

several. And he did his own reloading, you know, did all his own shells and everything.

RUSSELL: Okay, the .9mm . . . any of these guns, you know the brand name? Manufacturers?

It was a Browning .9mm.

RUSSELL: Browning.

Um, the .38, I think was the Blackhawk. Is it a Ruger, Ruger Blackhawk?

RUSSELL: Ruger Blackhawk or Redhawk.

Blackhawk, I think it was.

RUSSELL: Blackhawk.

And then he had a, um, .44 and that, I think that was also a Ruger. And I, I think one of his rifles was a Remington. And then I listed the Walther PPK. And the other ones I'm not sure about. I, I really wasn't into guns that much. I mean he just kept, he was always talking about 'em, but . . .

RUSSELL: When did he, uh, when did he buy the, uh, these guns. Do you remember? Did he have the first ones . . .

He had several before.

RUSSELL: You [REDACTED] Now your talk, what about the M14 . . . and the Walther.

. . . and then when we were . . .

RUSSELL: . . . and the Walther?

That he, the Walther PPK he bought up in Alaska.

RUSSELL: Okay.

The M14 he bought in San Bernardino. I can't remember the name of the gun store, but he bought several guns there.

RUSSELL: In San Bernardino?

In San Bernardino.

RUSSELL: City of San Bernardino?

Yes.

RUSSELL: Remember what year?

Oh, let me think. Maybe '80.

RUSSELL: Okay, and that's the M14?

Hum-um.

RUSSELL: Okay, Walther he bought in Alaska. Could you describe it

to me? Was it, was it blue steel?

Hum-um.

RUSSELL: Silver?

No, blue, blue, it was silver.

RUSSELL: Okay. How about the, uh, hunting rifle?

Uh, it was just, you know, brown stock. I think it had a really pretty stock body though. I mean the wood was very pretty.

RUSSELL: Okay. How about this, uh, this, uh, .10 gauge shotgun you're talking about, can you describe that?

Not really.

RUSSELL: Uh, could you give ---*---

I think he had an .8 gauge shot gun, too, 'cause nobody had one and he wanted one.

RUSSELL: Eight (.8) gage?

Eight (.8) gage.

RUSSELL: Okay, did you ever, uh, did you ever, uh, did he ever alter any of these guns. Like did he ever alter any shotguns that you know of?

Not that I know of.

RUSSELL: Like saw off the handle or saw off the barrel?

Oh, yeah. He had, he had a sawed off, uh, shotgun. He did have that.

RUSSELL: Which one was that?

That was just a totally different, um, gun. He called it his "shark gun" or something.

RUSSELL: Shark?

I guess they used to go out on fishing boats and, or go fishing and they'd shoot the fish or something like that. I don't know.

RUSSELL: Okay.

But it was, it, they'd cut the barrel off, I remember that.

RUSSELL: How about the handle?

I couldn't tell you. I don't remember that. I just remember the barrel being cut off.

RUSSELL: Okay. Do you remember what gauge that was? That's

separate from this .10 gage and this .8 gage?

Hum-um.

RUSSELL: Okay, and it was a shark, he called it a "shark."

He called it his "shark gun."

RUSSELL: ---*--- gun.

Yeah.

RUSSELL: Okay, uh, some, uh, supposedly he attended the Alaska State, a Alaska State Police Academy, put himself through it.

No, he didn't. He went to a security guard school up there.

RUSSELL: A security guard school. Do you remember what school that was?

No. I don't even think it's in business anymore.

RUSSELL: When, when he went to school, security guard school, what do you mean by that?

Well actually what it was, it was kind of like a course, a pre cursor to get into, um, a military, not a military, um, pre, what is it.

RUSSELL: Pre law enforcement or?

Yeah, something like that. It kind of, you know, gave you kind of a glance over everything you needed to know and . . . but it would get you prepared for a security job and they would get you security guard jobs and when he finished with that, that's what he did. He became a security guard.

RUSSELL: In Alaska?

Hum-um.

RUSSELL: And do you know where, who he worked for?

Oh, some kind of shady character, who was an oriental.

RUSSELL: Okay.

And I, I don't remember his name. I, I didn't like the guy because I really thought he had some illegal things going on.

RUSSELL: Okay, so when did he go, how long was this security guard school?

Two (2), three (3) months, maybe.

RUSSELL: Do you remember what . . . so that would've been in, uh, when you were in Alaska, right?
[REDACTED] Hum-um.

RUSSELL: Which would've been in, uh, '88.
[REDACTED] So it had to be from October. He came in October, November. So it ended in December.

RUSSELL: Okay. October of '88 through December of '88.
[REDACTED] Yeah, somewhere around there.

RUSSELL: Okay, do you remember who he worked . . . you don't remember who he worked for or what security ----.
[REDACTED] It was, it was a private individual.

RUSSELL: Okay. And what did he, what did he do? Did he, did he work in like a store? Did he work in a facility?
[REDACTED] No, he went to this guy's house. All he did, he come, he came home and showed me all these pictures of this guy's house and he was kind of like a body guard, security guard type.

RUSSELL: To this guy? ----
[REDACTED] Yeah. And I never really got to know what this fellow did. All I know is that he had a lot of money, and I always thought he was kind of a nefarious character so . . . and I, I didn't like him and I didn't think he was appropriate for him to work with him but we were leaving anyway so it didn't make any difference.

RUSSELL: Okay. Did he carry a gun when he worked the security job?
[REDACTED] Hum-um.

RUSSELL: What kind of gun?
[REDACTED] I think he had his, uh, that Ruger, the, the .38 he took with him.

RUSSELL: Thirty-eight (.38) Ruger.
[REDACTED] Yeah, because they didn't issue one to him.

RUSSELL: Did, did he work in uniform?
[REDACTED] No, he wore a suit, you know, regular plain suit.

RUSSELL: During the search of the, uh, place where they lived I saw some pictures. Well matter-of-fact one of 'em was in the paper where he was sitting on a horse.
[REDACTED] Yeah.

RUSSELL: Was that in Idaho?
[REDACTED] Hum-um.

RUSSELL: And of course the part that's not showing is where he was wearing a holster with a gun on it.
[REDACTED] Oh yeah, he always wore that gun. And he always had a rifle in his truck up in the window, you know how they have a racks?

RUSSELL: Hum-um.
[REDACTED] And, um, they were always loaded. And he always had one under the seat. A revolver under the seat. Even here he did. And then he would take it out, you know, when he goes into the house or whatever.

RUSSELL: Okay, this guy that, uh, back up here a little, this [REDACTED] that he was, uh, harassing up in Idaho, the neighbor that he didn't like . . .
[REDACTED] Hum-um.

RUSSELL: Do you remember [REDACTED] name?
[REDACTED] I, I thought it was something lik [REDACTED] but it's not [REDACTED] But [REDACTED] lived [REDACTED] from us. [REDACTED] [REDACTED] knows who [REDACTED] was because [REDACTED] was friends [REDACTED]

RUSSELL: Oh, okay. What was, do you remember what your address was back there in, uh . . .
[REDACTED] You really don't have an address. You have a P. O. Box. You go pick up your mail.

RUSSELL: Oh, okay.
[REDACTED] Because it's, it's a rural route but the mail doesn't come out and drop it in front of your place you have to go to the post office.

RUSSELL: You have to go and pick it up.
[REDACTED] And I think it was just, we didn't even have a P. O. Box, it was General Delivery. And that applied, uh, the same we got all our mail and . . . I think Arrowhead General Delivery.

RUSSELL: So [REDACTED] you say always carried a gun with him?
[REDACTED] Hum-um.

RUSSELL: Even in California?
[REDACTED] Hum-um.

RUSSELL: Concealed?
[REDACTED] Especially in California. Yeah.

RUSSELL: Concealed?
[REDACTED] Un-huh. He thought I should have one and I wouldn't carry one.

RUSSELL: And where would he carry it?
[REDACTED] Um, he had it under his seat in his truck.

RUSSELL: What kind of gun? Which one did he carry?
[REDACTED] He usually had, at that time, he had the, um, the .9mm.

RUSSELL: The Browning?
[REDACTED] Right. And he had it in a little zip up leather case.

RUSSELL: What color was that?
[REDACTED] Black.

RUSSELL: That gun, what color was that? Was that, uh . . .
[REDACTED] Black, the blue steel.

RUSSELL: Blue steel.
[REDACTED] The black.

RUSSELL: That was a, uh, did you know the difference between a pistol and a revolver? Revolver has a cylinder that rotates like a cowboy gun.
[REDACTED] Right.

RUSSELL: And a pistol has a slide.
[REDACTED] And this one has a cartridge.

RUSSELL: Yeah, goes in the handle with a magazine.
[REDACTED] Yeah, that's what it was with a magazine.

RUSSELL: ---**-- pistol. Semi automatic pistol.
[REDACTED] Okay. All I know is that it had the cartridge that you put in the bottom.

RUSSELL: Right. He always carried that with him in California?
[REDACTED] Hum-um.

RUSSELL: Underneath the seat.
[REDACTED] Either that or he always had like a gym bag that he carried stuff in and it would be in there.

RUSSELL: Okay. What was, what was the reason for that?
[REDACTED] He was afraid of everybody. He believed that the world was going to come to an end and that people that were going to start breaking down his door looking for food and

money.

RUSSELL:

Did you, did you guy's talk about this or did he tell you these, in fact he told you these things.

[REDACTED] Oh, yeah, we talked about all these all the time, you know. I mean [REDACTED] You know I'm, I'm a [REDACTED] But I mean this [REDACTED] just shoves it down your throat. And, you know, he really, for some reason he really got into the Book of Revelations and he thought we were at the end times and that this was it and people were going to start rioting and he was going to be prepared.

RUSSELL:

Okay. So when you guys first [REDACTED] where did you live?

[REDACTED] Up in [REDACTED]

RUSSELL:

Okay.

[REDACTED] At his, [REDACTED]

RUSSELL:

Okay, and, uh, how long did you live there?

[REDACTED] Uh, a year, year-and-a-half, something like that.

RUSSELL:

Let me, well let me put it to you this way, for all the times you were, eight (8) years [REDACTED] did he ever, uh, somebody would knock at the door, did he ever go to the door with a gun?

[REDACTED] Yeah.

RUSSELL:

And, uh, could you, uh, elaborate on that? Or when and what times? Where were you living?

[REDACTED] Well, like Arrowhead he did it several times. He was very paranoid. And he drank a lot. And he for some reason he thought people were after him. So he, you know, he'd hear a knock at the door and if he'd been drinking . . . it only happened . . . it only occurred when he was drinking.

RUSSELL:

[REDACTED] Okay. What would he drink?

Uh, either Kesslers. I think that's what really blew him over the edge was Kesslers and, uh, or Budweiser. But if you saw him drinking Kesslers you knew you were in serious trouble that day so you stayed away.

RUSSELL:

How about Rum, did he drink Rum?

[REDACTED] Yeah. Rum and coke. Actually, he would drink anything that was around. But I mean if he had to go out and buy it himself that is what he would've bought was the Budweiser and the Kesslers.

RUSSELL: Was he ever arrested for drunk driving or . . .

[REDACTED] Um, I don't know that he's been arrested for drunk driving. I know he was drunk when he had a really bad motorcycle accident and he broke his jaw and lost a bunch of teeth and broke his leg and stuff. Uh, I think it was when he was in high school.

RUSSELL: Oh, okay.

[REDACTED] Or right after high school. And then he was is another drunk driving accident but I guess he was really badly hurt there, too, but they didn't do anything to him.

RUSSELL: Okay, why don't you tell us about the times that you know of that, that you saw him go to answer the door and he had a gun.

[REDACTED] Somebody would just, you know, he would be drinking and somebody would come to the door . . . it could be a little

RUSSELL: Hum-um.

[REDACTED] And he would have . . . he would take the gun and he would put it behind the door and then he'd look and then if he saw, you know, that it was all right then he'd kind of shove it away.

RUSSELL: Which gun would he take to the door?

[REDACTED] Um, his cowboy pistol. Depend . . . he, when he was drinking he always had his guns out. He'd play with 'em. I mean he'd sit there and shoot holes through the ceiling and . . .

RUSSELL: And this was in a, where these in houses or apartments?

[REDACTED] Um, in Lake Arrowhead it was a house.

RUSSELL: Okay.

[REDACTED] But there were very few people around, you know, because they were all weekenders.

RUSSELL: So he would be drinking and he'd have his guns out and he's shot holes in the ceiling?

[REDACTED] Oh, he'd shoot holes in the ceiling and he had his loud music playing and, uh, start doing Indian War Dances for God's sakes and just really strange things.

RUSSELL: Okay. Like what kind of music?

[REDACTED] Um, he was really into Ned Kelley.

RUSSELL: What kind of music is that?

[REDACTED] It's about a, uh, rebel Australian rebel who was an outlaw. And then he liked Marty Robbins. And Whelan Jennings.

RUSSELL: So it's Country Western?

[REDACTED] Yeah, all Country Western except for this one was that was about Ned Kelley.

RUSSELL: Okay, uh, he'd be drinking, he'd have his, uh, Country Western music on, and he'd be playing with his guns. And, which guns would he play with?

[REDACTED] Oh, he'd take 'em all out and start cleaning 'em and...

RUSSELL: Were they loaded?

[REDACTED] Umm, some were. I mean some he kept loaded all the time, you know, for protection supposedly.

RUSSELL: He would shoot into the ceiling, and this was in Lake Arrowhead?

[REDACTED] Hum-um.

RUSSELL: Was that the only place?

[REDACTED] That's the only place that I know of that he shot in the ceiling.

RUSSELL: Okay. When he drank did he get, did he get, uh, intoxicated. And what I mean by intoxicated, uh, drunk. He'd get falling down drunk.

RUSSELL: Okay. Did he ever threaten you with a gun?

[REDACTED] Yes.

RUSSELL: What, what was that occasion?

[REDACTED] Um, I think it was probably the same night when he was shooting the holes through the ceiling. We hadn't been [REDACTED] very long, and I told him I was taking [REDACTED] and I was leaving him. And so he told me . . . he took . . . he had the .38 cow, you know, the cowboy pistol, the revolver and he pointed at me. He told me to get into the

bedroom and I said, no. I couldn't believe this guy would do this. And, he said, get in the bedroom. And I said, no. And he said, get in the bedroom or I'm going to kill you. So then I thought well he's drunk enough he might do that. So I got into the bed and then he laid down next to me and he had the gun in my spine the whole night, and I just kind of, I just laid there awake. And then in the morning, you know, he begged for forgiveness and all this and he wasn't going to drink anymore and I, and, you know, I'd never seen him do this. So I thought well maybe this is just . . . and he was really, um, going over the loss of his father, he did that a lot when he was drinking. So I thought maybe, you know, it would get better. And that was the only time he actually threatened me with the gun. I mean where he actually had it there pointed at me. I mean he gave me a lot of verbal threats that he was going to kill me but that was the only time with a gun.

RUSSELL:

First time when he pointed a gun at you?

Hum-um.

RUSSELL:

Okay, um, you say he used to go to the door and answer the door, uh, with a gun, uh, any reason for that?

He was very much afraid of robbers and . . .

(END OF SIDE 1)

RUSSELL:

Just turned the tape over. It's, uh, 2036 hours. Okay, uh, so you say he was just afraid of robbers and rapists. He had, he just had this uncontrolled fear. I mean it was, it was a paranoia. He thought our house in, uh, Harrison and our house here [REDACTED] was wired, that people were listening to us.

RUSSELL:

Why was he so paranoid? Did, did he use drugs?

Um, he smoked marijuana occasionally.

RUSSELL:

Okay.

And I'm sure when he came down here with all his friends, they were smoking it all the time.

RUSSELL:

Was he a, uh, was he a mercenary type individual?

Yes. He was, he, um, he liked those type of magazines.

Uh, he felt that he was that type of person. I mean he

was always talking about being the "strong warrior," you know, and he wanted to go to the middle east when they were having all kinds of problems and I told him go, you know, but (laughing) I thought maybe.

RUSSELL: Did he ever tell you about his experiences in the Marine Corps?

[REDACTED] Uh, no, not really.

RUSSELL: Never talked about that.

[REDACTED] No, just his friends and how much they drank and that he . . . all he talk . . . the only thing he would say was, "I was the best," and he would just revert to that. But I mean he never really went into any experiences. Um, I had seen pictures of him where he looked, you know, just dog tired after they've been out on a bivwack or whatever you call them. And, uh, but it didn't seem like it was an extraordinary experience where he would've suffered some kind undue harm or whatever. You know it certainly wasn't like going to Vietnam where everybody else was.

RUSSELL: Did he, you, you mentioned earlier before we got into the interview that he never went to Vietnam but you would never know it. Did he tell people that he was in Vietnam?

[REDACTED] I don't know if he did or not. [REDACTED] got the impression that he was.

RUSSELL: Would he tell people that he'd been to Vietnam?

[REDACTED] He could have when I wasn't around.

RUSSELL: Did he ever . . .

[REDACTED] You know, but I mean the way he talked about, uh, being the best, and I learned how to do this with a bayonet and all this other combat stuff, you really thought he had been in combat when in actuality he wasn't. And I think it was probably he was talking about the training he went through, you know, the boot camp.

RUSSELL: Uh, are you aware of a shooting trophy that he had, uh, depicting a, uh, which I took out of the apartment, it looks like a police shoot, shooting trophy depicting an individual kind in a crouched position. It says, "Expert," and gives a score on the bottom?

[REDACTED]
RUSSELL:

Yeah, I think he got it in Alaska.

Okay. Where did he get that?

[REDACTED]
RUSSELL:

At, at that security guard school.

Security guard school?

[REDACTED]
RUSSELL:

Yeah. Because they would go out to the shooting range all the time.

Okay.

[REDACTED]
RUSSELL:

And then did, uh, survival trip in the Tundra for like three (3) days and did all kinds of things. It was kind of like a glorified Boy Scout camp.

When you [REDACTED] to him, did he, did he go out and shoot his weapons?

[REDACTED]
RUSSELL:

All the time.

Where would he go shoot?

Um, in Big Bear there was a, not Big Bear, in Lake Arrowhead there was a, uh, little range that they had up there, didn't really have a name or anything just had tire rims hanging and burms and you could hang your own paper targets up and stuff like that. Or he would just find some vacant lot, you know, out where nobody was around and, and set up his own target. And then he had one of those, um, clay pigeon throwers, you know, and he would play around with that. And then in Idaho he had his whole big back yard, you know, 57 acres.

RUSSELL:

This uh . . .

[REDACTED]
So he would make paper mache crows and put 'em up in a tree and shoot 'em.

RUSSELL:

How often would he drink?

[REDACTED]
Uh, all the time. Uh, I would say every day almost. Not to the point where he'd get that stupid, you know, to do the thing with the guns and . . .

RUSSELL:

Hum-um.

[REDACTED]
Um, usually he would talk to [REDACTED] and that is what would set him off to really go on a binge because they would fight like cats and dogs. And he was always threatening [REDACTED] and I think it just irritated him so much that he'd start drinking.

RUSSELL: When he went to the door, you said he'd go to the door with a gun he'd kind of hold it over by the door. What did you mean by that?

[REDACTED] Well like this. I mean if he has . . . this is it, right.

RUSSELL: Un-huh.

[REDACTED] And our door opened this way.

RUSSELL: Un-huh.

[REDACTED] Okay, so he's holding it here and opening it but he's got the, it like this and he kinds of peeks and then he would sit it down. There was this thing there and he'd sit it down, you know, there's like a table there and he'd just sit it down.

RUSSELL: Now when you say, when he'd peek, would, would he open the door do you mean?

[REDACTED] Huh?

RUSSELL: Would he open, when you say . . .

[REDACTED] . . . yeah, when he opened the door he'd kind of like this and then move, you know, set it down and move.

RUSSELL: Okay. But the door, the door opens this way, right?

[REDACTED] Well in Arrowhead it opened this way.

RUSSELL: Oh, I see.

[REDACTED] And in Idaho it opened this way.

RUSSELL: Right. So if it opened like say right there like that door . . .

[REDACTED] But in Idaho you could look out the window and see who was on the porch.

RUSSELL: Okay, so if it opened, say this door opened like this, where would he have the gun and how far would he open the door?

[REDACTED] Well, if he had the gun. I'm trying to think. He'd open door . . . well, he didn't have it in his right hand. Now I'm getting confused.

RUSSELL: Would he hide the gun?

[REDACTED] He always held, hid the gun.

RUSSELL: Where? Would he put it behind . . .

[REDACTED] . . . to the side, or to the back.

RUSSELL: Okay.

[REDACTED] But I mean if he knew who it was he kind of slide it over so they wouldn't see it.

RUSSELL: Okay.

[REDACTED] But it was never, There was never the occasion where he'd have to pull it out and use it.

RUSSELL: Okay. And this was just because he was paranoid.

[REDACTED] Oh God, he was the most paranoid person I've ever met.

RUSSELL: When he had the guns in the house would he keep them locked up somewhere or where would he keep the guns?

[REDACTED] He had this, um, gun cabinet that he'd made and it was made out of plywood or some kind of fitted and he had stained it brown, dark brown and he kept it in there.

RUSSELL: Locked up?

[REDACTED] No.

RUSSELL: Never locked?

[REDACTED] Well it wasn't when we were together.

RUSSELL: You ever have any burglaries or anything where people stole guns?

[REDACTED] No.

RUSSELL: Was he concerned about that, that somebody would break in and steal the guns when he wasn't around?

[REDACTED] When he wasn't home he wrapped them up and he hid em. He'd put them in between mattresses. He hid them under the sofa. Because he felt that even if you did have it locked up you could still break into it.

RUSSELL: When you [REDACTED] did you ever, uh, did you remain friends or did you ever communicate after your divorce?

[REDACTED] No.

RUSSELL: Never?

[REDACTED] No.

RUSSELL: He never tried to contact you or anything like that?

[REDACTED] No. Uh, when we separated it was, it was going to be, it really wasn't friendly. I mean I was so fed up with him and [REDACTED] he was threatening to kill [REDACTED]

RUSSELL: And that [REDACTED]

[REDACTED] Yes.

RUSSELL:

And he threaten to kill [REDACTED]

Yes.

RUSSELL:

And how old was [REDACTED] that time?

RUSSELL:

Okay, And why, and this was during, when you separated? No, this was before we separated. He'd been threatening [REDACTED] all along. I mean every time Sylvan wanted to get to me, he would beat [REDACTED] and I wouldn't know about it. And he would tell [REDACTED] you tell [REDACTED] your dead, I'm going to kill you. And so there was a lot of things that I didn't know what was going on. And then one day [REDACTED] and I get this phone call that [REDACTED] from [REDACTED] that the school has called and [REDACTED] doesn't want to come home, [REDACTED] afraid and to put, [REDACTED] going, you know, send down a plane ticket and just get [REDACTED] on a plane with his clothes and [REDACTED] going to come here there and live and that's what [REDACTED] did. So then I thought, fine, I get [REDACTED] out of the way, I can get out of here 'cause I'd rather been dead then live that life, keep living that life I was living.

RUSSELL:

Hum-um.

So, um, then unfortunately I got [REDACTED]. But it was a [REDACTED]

RUSSELL:

Okay. Now you say [REDACTED]

Hum-um.

RUSSELL:

Where is that?

It's on [REDACTED]

RUSSELL:

Why was he, why would he threaten [REDACTED]

He always thought [REDACTED] was, um, his rival. You know that [REDACTED] was . . .

RUSSELL:

Kind of retaliation against you?

Yeah. To get to me or because he knew that, um, I would stay with him. He thought that [REDACTED] was coming between us. That [REDACTED] was telling him stuff, you know, telling me things about him and so he was always threatening [REDACTED] And he was just, just mean. And I'm not sure that he didn't sexually abuse [REDACTED] either. But I've asked [REDACTED]

[REDACTED] that and [REDACTED] says, [REDACTED] I don't want to talk about this anymore and it's only been, um, in the last couple days [REDACTED] nightmares have stopped. I mean [REDACTED] was actually having nightmares where [REDACTED] screaming 'cause [REDACTED] thinks Sylvan is after [REDACTED] gonna kill [REDACTED]. And I asked [REDACTED] months ago, when [REDACTED] came home from [REDACTED] was in the [REDACTED] I said do you want to, do you want to seek counseling? you know. And [REDACTED] says, no [REDACTED] says I'm gonna try and work through it, so . . .

RUSSELL:

[REDACTED] never had contact with him to your knowledge since the divorce.

No. No. No.

RUSSELL:

When, uh, so when you separated he, uh, [REDACTED]

[REDACTED]
Hum-um.

RUSSELL:

And you, uh . . .

I was [REDACTED] As soon as I was able, um, I told him, I came home one night from work and I came home and I told him I want you out of here pack your stuff I want you out now, tomorrow morning, Saturday morning. I said, I can't go on with this, blah, blah, blah. I hate you. I hate the person you are. I said, you push people too far. You know and I said, it's going to end up that one of these days I'll probably take a gun and kill you because I hate you just that bad. And I said, you are the meanest, nastiest, SOB, I've ever met. And my whole feeling was, I, I don't think he really wanted to be with me but I had this law suit against the [REDACTED]

[REDACTED]
that money. He was always talking about the money. And I finally I said, you can have all the money I don't care I just want out of this relationship, and I think thats, that was why he stayed with me.

RUSSELL:

Okay, what was the, when you told that what was his

reaction?

He cried.

[REDACTED]
RUSSELL:

Did he get out? Where you, where you . . .

Yes, he did. Well, not right away. He, this was a very slow process. I mean he'd move one box, then another box, you know, daily. He'd show up in the middle of the night. You know I think he was trying to see if he could catch me with somebody.

RUSSELL:

Was you, he never threatened you after that or anything? Yes, he did. Um in, let me think. It was probably in January. Because I was going to, um, [REDACTED]

[REDACTED] and it was the day I was suppose to leave and it had to be a Wednesday, 'cause I always leave on Wednesday for these [REDACTED] And I got a phone call from [REDACTED]. No, first I got a phone call from him and he was drunk and he said he was coming over to my office to kill me and to kill the person who is now [REDACTED]

[REDACTED] And, you know, [REDACTED] and I were going, [REDACTED]

[REDACTED] we kind of became friends, you know, talking about the problems that we were going through and so we kind of cry on each other shoulder and just became really good friends and then [REDACTED] But, um, he said, he was coming over, he was going to kill [REDACTED] and he was going to kill me.

RUSSELL:

Now, this would've been, okay, [REDACTED]

[REDACTED] So that would've been?

[REDACTED]
RUSSELL:

[REDACTED]
[REDACTED] I'm so bad with dates. I'm really horrible with dates.

RUSSELL:

Okay, --*--. Okay, but were, were you, were you just [REDACTED]

RUSSELL:

[REDACTED] It was just going through the process.

Hum-um.

RUSSELL:

Okay, uh . . .

We hadn't even [REDACTED]

RUSSELL:

[REDACTED] he, this is when he threatened you.

Hum-um. He said, he was going to come down. He had his gun packed and he said then he was, he was packing his like a bag or something and he was going to go and disappear into the desert after he did this atrocious thing. And I thought, sure, right, you know. And then [REDACTED] called me, [REDACTED] you better leave, you know, he means business, he's going to come over there and kill you.

RUSSELL:

Okay, which [REDACTED]

RUSSELL:

RUSSELL:

[REDACTED] called you and said he . . .

And I said, you know, don't worry about me, why don't you worry about [REDACTED] Why don't you do something to help [REDACTED] you know, take the guns away. I mean you're, [REDACTED] bigger than Sylvan was.

RUSSELL:

So [REDACTED] called you and [REDACTED] actually said, hey, [REDACTED] you better get out this guys . . .

He's coming over to kill you, yeah. And then [REDACTED] went on to tell me what, uh, nasty person I was, you know, and adulteress and a this and a that all this other crap.

RUSSELL:

When [REDACTED] called you on the phone, when, uh, Sylvan called you on the phone, made these threats on the phone, I'm coming over, I'm going to kill you, had he'd been drinking?

He was plowed.

RUSSELL:

Okay, how about [REDACTED]

[REDACTED] was sober.

RUSSELL:

He was serious?

He was very serious.

RUSSELL:

Okay. [REDACTED] want you to get out of the area?

[REDACTED] didn't want anything to happen to [REDACTED] you know, it wasn't me so much it was [REDACTED]

RUSSELL:

But [REDACTED] felt the threat was . . .

But I think, I think [REDACTED] was afraid, [REDACTED] was afraid of [REDACTED] too. I mean they'd had a fist fight in our house on one occasion and [REDACTED] actually backed off and [REDACTED] could've done [REDACTED] some serious, or Sylvan, some very serious hurt but he backed off, you know, but [REDACTED] was afraid of him.

RUSSELL:

For what reason?

Because he just wasn't right mentally, you know, he'd just pop. You know the thing with the guns. It was, it was a real scary weird situation. I refer to, you know, the

[REDACTED] period of insanity. It was like being under some Spengolie type. I mean he could talk you into things. He'd, he'd sit there talk to you and talk to you and talk to you until you tell him this white paper here is black, you know, he'd finally convince you that it was black. I mean that's how he was. He did the same thing with [REDACTED]

[REDACTED] with me. Just keep at you and keep at you until you finally just broke.

RUSSELL:

Did you know that he had [REDACTED]

Uh no, I didn't.

RUSSELL:

So you haven't seen him the whole time. You never heard anything about him?

I haven't talked since the last time we were in court and we were yelling at each other.

RUSSELL:

Didn't talk about the family? Haven't talked to anybody in the family?

I don't want anything to do with those crazy people.

RUSSELL:

Of all these incidence', did you ever, uh, other than the Treasury and the St. Mary's Sheriff Office, any other law enforcement had to be called or gotten involved?

No.

RUSSELL:

Any [REDACTED] uh . . .

[REDACTED]
No.

RUSSELL: Any neighbors ever call?

[REDACTED]
Call the police?

RUSSELL: On, on him 'cause he was drunk and ---*--.

[REDACTED]
We lived in such isolated areas, you know. In Arrowhead there was nobody there except for the weekenders.

RUSSELL: Okay.

[REDACTED]
And in Idaho, you know, our nearest neighbor was like from here to the street. So, I mean if he's playing loud music he's not going to bother anybody.

RUSSELL: How about when he killed that dog in, uh, was there any charges ever brought against him for that?

[REDACTED]
No. I mean he was given more-a-less a slap on the hand, you know, you don't do that kind of thing.

RUSSELL: By who?

[REDACTED]
By the sheriff.

RUSSELL: How about the neighbor, did the neighbor ever take, uh .

. . .

[REDACTED]
No, [REDACTED] never took any action.

RUSSELL: Did [REDACTED] ever confront the, did you ever talk to that neighbor or [REDACTED]

[REDACTED]
I was too embarrassed. The only time I ever talked to [REDACTED] was when our horse got out and I went, Oh God, this [REDACTED] is going to kill our horse 'cause Sylvan told [REDACTED] he was going to kill [REDACTED] horse. And this [REDACTED] handed me the reins to the horse that Sylvan was sitting on, King, [REDACTED] handed it to him and [REDACTED] says, tell [REDACTED] that I don't kill horses. And I said, thank you very much, you know, for getting the horse for me and I walked away.

RUSSELL: Your, that thing up there was just because Sylvan didn't like the way, didn't like way, build [REDACTED] house and so forth.

[REDACTED]
He didn't like where the [REDACTED] was going to build his house. Yeah. And he said, you know, [REDACTED] was, [REDACTED] was an out of townner. I guess [REDACTED] came from, uh, [REDACTED] or somewhere and . . . The strangest thing about Sylvan was when he moved up to Idaho all of a sudden he was an

Idahoan.

RUSSELL: He was a regular....

He didn't, he no longer came from California.

RUSSELL: He was a regular cowboy.

Oh, big time. He even had a southern accent and he'd never been in the south except for his training and, and the service in Camp Lejune for the 18 months or whatever it was.

RUSSELL: How about down here when he was in [REDACTED] did he frequent any bars?

Um, if he went to any bars the only one that I would know of was the [REDACTED]

RUSSELL: Where's that?

That's on corner of [REDACTED]
He never had any money to go to bars.

RUSSELL: That's [REDACTED]

. . . a [REDACTED]

RUSSELL: That's what? [REDACTED]

Un-huh. And then there might be a few places down on, uh, in [REDACTED] like, if they're still there I'm not sure, like [REDACTED]

RUSSELL: Did you ever, uh, brandish his gun at anybody else that you know of?

Not that I can think of, no.

RUSSELL: Did he ever shoot at anybody that you know of?

Not that I know of, hump-um.

RUSSELL: Did he ever shoot at this neighbor up in Idaho other than crank off the rounds from that M14?

No.

RUSSELL: Never shot at [REDACTED]

Not at [REDACTED] no. Maybe in the direction but not at [REDACTED]

RUSSELL: Did he ever shoot at you?

No.

RUSSELL: Did he ever shoot at [REDACTED] that you know of?

Not that I know of but that then that would be [REDACTED] won't talk to me about it. I mean [REDACTED] gets so angry. I mean [REDACTED] asks me [REDACTED] says do you know where [REDACTED] grave is?

I said, why? [REDACTED] said, I want to go piss on it. I said, that's not very nice [REDACTED] you know. And [REDACTED] said, and there was another time came home from [REDACTED] you know, and [REDACTED] said, you know, have you seen him? And I said, no. [REDACTED] said, well if I see him I'm going to kill him, I will kill him.

RUSSELL: [REDACTED] said that?

[REDACTED] Yeah.

RUSSELL: And this was after you, what brought up the conversation. I mean . . .

[REDACTED] I don't know [REDACTED] just . . .

RUSSELL: How long had you been [REDACTED] that time?

RUSSELL: [REDACTED]

[REDACTED] carrying around some major deep emotional scars.

RUSSELL: Has [REDACTED] ever gotten counseling or anything for it?

[REDACTED] No, and I've suggested it, you know, but I don't know if [REDACTED] ready to deal with it.

RUSSELL: Is it [REDACTED]

[REDACTED] It's [REDACTED] but . . .

RUSSELL: [REDACTED] lives here with you?

[REDACTED] Hum-um.

RUSSELL: You and [REDACTED]

[REDACTED] Yes. [REDACTED]

RUSSELL: Rudy?

GARCIA: Yeah, I got a couple of questions. On the, uh, incident back in Idaho where eventually a search warrant was served up, did they confiscate, did they seize any property? Whether it be explosives or guns or anything like that. Uh, I think they took something. I don't think it was guns so much, uh, I know they took, I know they took, they took something and he was bitching they took a bunch of pictures of me in my bathing suit, which I thought was pretty funny 'cause when I was much younger. Um, no there was some things missing but I can't really tell you what

they were. I don't think they were actually guns.

GARCIA:

Okay. And as far as the outcome of the whole thing you say Sylvan was never arrested for anything?

No.

GARCIA:

Uh, what about as far as when he comes back, did he retaliate at all against the neighbor. 'Cause I'm pretty sure he probably felt that it was a neighbor that, uh . . .

Oh, yeah. He, he knew it was the neighbor.

GARCIA:

Yeah.

You know he got that much basically from the sheriff. And he, I think, I think maybe the dog went after that. I can't really tell you if the dog was killed before that or after that. I just know he had intense hatred for this

And he said that one of these days he was going to go up to Idaho. As a matter-of-fact, you know, I was going to call up there, I just found out that he was in Idaho a month ago. And I said, well, he came up to see didn't say anything. And I thought I wonder if he's done anything to you know, because he was always talking about getting retaliation or vengeance.

GARCIA:

But as far as you know he never did retaliate then, right? No.

GARCIA:

Did he ever assault the or . . .

No, they just had words.

GARCIA:

Okay. Now as far as him, your saying that he's, uh, pretty much paranoid.

Hum-um.

GARCIA:

Was he suicidal also?

No, he was not suicidal at all because he felt it was a terrible sin. If he was killed then he could go to heaven but if he killed himself he'd go to hell.

GARCIA:

Okay, so that's where the "Death Wish" comes in.

That's where the "Death Wish" comes in.

GARCIA:

Okay.

But he did not want to be on Earth. I mean he did not

want to be alive.

GARCIA:

Okay.

Because when he started this, started up with this nonsense, I said, you know, you're gonna, you're gonna push somebodies button the wrong way and your going to find all these police on your door step and you're going to get killed. He said, good, let me die, it's a good day to die. I mean that's how he started all this crap, you know. He thought he was, if he's got a tinch of Indian in him so he's this, you know, this weir. He's really a psycho. But that's how he wanted to die he thought, he said he was honorable.

GARCIA:

Was he an anti-law enforcement or was he pro-law enforcement.

That was really a strange thing because for a long time he was extremely anti.

GARCIA:

Was there a reason for that?

Um, I don't know. I don't think so. I mean he was really a non-conformist, you know, and he didn't like structure. He didn't like people telling him what to do. He wanted to be in charge. Um, because when we were I suggested that he go into law enforcement 'cause he was so good with the guns, you know, with going out in the range. And he, nope, never do that. And then I think he went in that direction when he finally, when we were in Alaska because he couldn't find any other employment and he was hearing about, you know, what they were paying for police officers, um, what have you. So then he kind of changed. I don't know that he wanted to be, um, I don't know when I read thing in the paper today. His dream was, or his, you know, was to be . . . Oh yak, on that, you know, that wasn't what his dream was. He wanted to be a "Rambo" is what he wanted to be.

GARCIA:

Did, did he ever say anything though as far as police officers? Whether he like 'em or whether he disliked them or, uh . . .? Or like when you had arguments, let's say you had an argument and somebody threatened to call the

police or if you threatened to call the police what was...
Oh, he said, he'd take 'em out. He would have no problem with that. 'Cause I told him, I said, you leave [REDACTED] alone, it was something to do with me.

GARCIA:

Hum-um.

If you don't leave [REDACTED] alone, I am going to call the police. He said, call the police. He said, I welcome. And that's when this is a good day to die. I'll take, I'll take a few of them out before they can get me, you know. And I said, God, you're being crazy, you know.

GARCIA:

Now, when, when did this happen. When did this incident happen?

Oh, that was an on going thing.

GARCIA:

Okay. So how many times would you say that happened, when you threatened to call the police and he would say, this is a good day to die. I'll take, you know, a couple of 'em out before they take me out?

How many times?

GARCIA:

Yeah.

God, I don't know. More than a dozen. Maybe more than two dozen. I mean, he got, he was so scary. I mean like the time our pig . . . he had this big dog and the dog got out, killed, or didn't kill the pig but maimed it pretty badly, and he was out on the oil ship. When he came home he'd discovered that I butchered the pig because I didn't want, I didn't to loose my investment on the grain, right. So I had this book on how to butcher a pig and my neighbor came over and shot the pig and, um, got it up on the rack and stuff. But I, I mean I took his tools, you know, his band saw and stuff and I cut up this pig. Well anyway he got drunk, goes out, shoots this dog, skins the dog, is wearing the pelt around his shoulders, you know, like some kind of Indian. And I said, you know, you do stuff like that you're going to get the police out here.

RUSSELL:

This was in Idaho?

Yeah. And then we had that damn thing in the garage it stunk. But he was always doing weird things.

GARCIA:

Did you ever actually call the police on him?

No, I was afraid of him 'cause he told me he'd kill me.

GARCIA:

Bob.

RUSSELL:

What's your, uh, what's your [REDACTED] address or [REDACTED] name and address, uh . . . ?

RUSSELL:

RUSSELL:

RUSSELL:

No, it's not in this book. I had it in another telephone book somewhere. But it's in, it's in [REDACTED]

No, it, uh, now where does [REDACTED] live. I can call [REDACTED] and get [REDACTED]

RUSSELL:

Okay, if you could. I'll tell you what why don't we, uh . . .

Want me to call [REDACTED] in the morning and call you?

RUSSELL:

Yeah, we can do that.

Okay. Yeah, I was surprised when [REDACTED] said, uh, I guess [REDACTED] had run down, run into [REDACTED] down at the [REDACTED] and [REDACTED] told [REDACTED] that Sylvan was shot and he had mentioned, oh, he was here a week ago, you know, a month ago. And [REDACTED] said, holy smoke had I known he was going to be here, [REDACTED] said, I would've been so afraid, because he threatened them too.

RUSSELL:

He threatened [REDACTED]

Hum-um.

RUSSELL:

In what way did he?

Just to stay away, leave me alone, you know. Because [REDACTED] . . it was like taking somebody out of, uh, you know, when they, they kidnap these Christians or these religious groups and they brain wash you, that's how [REDACTED] felt. They felt that I had been brain washed and all this other stuff and I think I was to some extent 'cause I was so secluded out there with him. And so they

would start talking to me and try to bring me back to reality. And he'd call them up and leave her alone, don't you talk to her.

RUSSELL:

What's, uh, what, what are [REDACTED] names?

RUSSELL:

RUSSELL:

RUSSELL:

And what's their address?

RUSSELL:

RUSSELL:

Okay, uh, this morning when you called you, you mentioned the fact, you said something to the fact that, you said something to the effect well those people are sue crazy anyhow.

Hum-um.

RUSSELL:

What do you mean by that?

Um, they were all, Sylvan was always talking about suing people. And I think [REDACTED] was into that type of thing, too. I mean, [REDACTED] comes off as this really super Christian thing [REDACTED] but [REDACTED] really can't tell the truth unless you got . . . And that something else that Sylvan did [REDACTED] . . had [REDACTED] under a spotlight one night, you know, threatened to beat [REDACTED] if [REDACTED] didn't tell the truth about something or other.

RUSSELL:

Yeah. He was brutal to [REDACTED]

RUSSELL:

When was this.

Ah, this was when we lived in Arrowhead. I mean there's not a phone conversation where those two didn't just. . . I mean [REDACTED] thought he was possessed by the devil, that's what [REDACTED] told me. And [REDACTED] didn't argue so much as [REDACTED] just listened to it and start praying. And he would

just start screaming at [REDACTED] crazy rotten [REDACTED] woe, woe, woe, you know, and I hate you. He was always telling [REDACTED] he hated [REDACTED] and [REDACTED] would just . . .

RUSSELL: Was he ever committed, Sylvan ever committed to, for, to a hospital or anything for mental evaluation?
[REDACTED] Not that I know of.

RUSSELL: Okay, uh, anything, uh, else that you can think of that we haven't talked about and basically like you told us about the dog, where he skinned the dog and wore the pelt around his shoulders. Anything like that, that we haven't talked about, things that come to mind. Any, uh . . .

[REDACTED] No. I remember when he was working at that security, he was working for some security, Wells Fargo Security here and, uh, he intentionally dropped a trunk, not a trunk a hood from the truck that he was driving on his neck and claimed that, you know, that it was an accident so he could get Workmen's Comp and he was going to sue the this Wells Fargo Company and all this stuff. And, he was wearing a neck brace. Well, the thing is before he even got the job he was wearing a neck brace anyway because he was going to a chiropractor. But he thought they had planted bugs in the house to, you know, to catch him defrauding them.

RUSSELL: When, when was this? When was this --*--

[REDACTED] That was when we were living in [REDACTED] Um . . .

RUSSELL: Do you know which Wells Fargo?

[REDACTED] It was Wells, it was Wells Fargo the Security Company.

RUSSELL: Yeah, but which, which office?

[REDACTED] Oh, I don't know.

RUSSELL: Okay. You were living in . . .

[REDACTED] What year approximately.

[REDACTED] Um, it would've been the same year I came back from Alaska. So that would be, what did we say '89.

RUSSELL: Anything else you can think of?

[REDACTED] Um, God there are so many things he did. Um, he went running around on his horse a lot sometimes dressed like

an Indian.

MIKE BECK:

I'm coming down for a second.

RUSSELL:

Okay, it's all right we're about through.

BECK:

Okay.

GARCIA:

How did you finally end the relationship?

[REDACTED]

Hating each other.

GARCIA:

What I'm saying is that, uh, well, I get the feeling that you might even hid from him basically not knowing where you lived just to, to avoid him coming over to the house. Uh, yeah I did. Uh, he didn't know where I lived. As a matter-of-fact he'd had to of followed me to [REDACTED] because he stole my car and sold it when we were going, before we were going [REDACTED] When we were going [REDACTED] And my attorney told him to bring the car back and he said, yes, he would bring it back the following day and he didn't bring it back. So my attorney called him again and he didn't, he still hadn't brought it back and then we found out that he turned around and sold it. He said he also sold all his guns too, that he had no firearms any longer.

GARCIA:

Did you end up getting a restraining order against him or anything like that?

[REDACTED]

Hum-um, sure did. I got a restraining against, uh, for me [REDACTED] and I wanted to get one for [REDACTED] but they said I couldn't do that it could only be for me and [REDACTED]

GARCIA:

And that was in [REDACTED] I take it then, right?

[REDACTED]

Right.

GARCIA:

So basically he found out where you lived and so you couldn't hide from him so you end up getting the restraining order then, right?

[REDACTED]

Hum-um.

GARCIA:

Did he ever break, uh, I mean did he ever show up anyway?
No.

[REDACTED]

GARCIA:

No?

[REDACTED]

No. But, you know, all these years, um, there hasn't been a week that I don't by, get out of my car in my parking

lot at work and look around and wonder if he's out there somewhere waiting for me.

GARCIA:

Did he ever make any, uh, threatening phone calls or anything like that.

[REDACTED] Just that one, you know, after saying that he was going to come and kill me. And [REDACTED], and I think I talked to [REDACTED] was going to try and restrain him and then [REDACTED] called me back later and said, um, you know, that [REDACTED] now gone, [REDACTED] now gone to sleep, they got him calmed down, blah, blah, blah, blah. And, uh, Sylvan was living with [REDACTED] at the time. And I think this [REDACTED] too. I think [REDACTED] was there.

GARCIA:

So that was basically the only time that he threatened you then, right?. Is that right?

GARCIA:

[REDACTED] You know after [REDACTED] yeah. He didn't go out stocking you or making, you know, annoying phone calls or anything like that.

GARCIA:

[REDACTED] I got phone calls. I got phone calls but it was just, um, it was like he was just checking to see if I was there. How did it all end? Did he eventually stop calling or did he eventually forget about you or, or was he still doing that up until he died.

[REDACTED] I haven't heard, I haven't heard from him in a long time. I mean we've moved several times and I get these phone calls and I'd recognize his voice. He'd go, is this [REDACTED] I'd say, yes. And then click.

GARCIA:

When is the last time you got a phone call like that? Oh, probably a year-and-a-half ago.

RUSSELL:

Anything else?

[REDACTED] No. The world is a much better place without him in it, that's for sure.

RUSSELL:

Okay. We'll go ahead and end the interview. The time is 21 . . .

GARCIA:

Let me ask you one more question. Did he ever assault you? Physically assault you? Beat you?

[REDACTED] No, he never touched me.

GARCIA: Okay.

RUSSELL: Okay, it 21, uh, 16. We'll end the interview.

(END OF INTERVIEW TAPE 1, SIDE 2, )

(X) INTERVIEW () CONVERSATION () TELEPHONE

NAME OF INTERVIEWEE: Michael Terrance Beck

DATE/TIME OF INTERVIEW: February 01, 1993 - 2122 hours

LOCATION OF INTERVIEW: [REDACTED]

CONDUCTED BY: Investigator Bob Russell, OCSD, Homicide
Investigator Rudy Garcia, OCSD, Homicide

TRANSCRIBED BY: R. Archey, OCSD, Investigation Division
M.A. Garcia, OCSD, Investigation Division

---*--- (DENOTES INAUDIBLE PORTIONS OF TAPE)

RUSSELL: The following interview will be reference case number 93-04064, today is Monday, 2-1-93, the time is 2122 hours. I'm Investigator Bob Russell, Orange County Sheriff's Department and we'll be interviewing subject last name [REDACTED] Also present is Investigator Rudy Garcia. The interview is taking place at [REDACTED] Okay, [REDACTED] you are the, uh, or you were the [REDACTED] at one time of, uh, Sylvan Randal Byrd, is that correct? Yes.

RUSSELL: Uh, [REDACTED] co, uh, uh, Sylvan...

RUSSELL: .. [REDACTED] Uh, and your, your [REDACTED] is [REDACTED] right?

Yeah.

RUSSELL: Uh, okay, and how old were you when you first, uh, if you remember when you first met Sylvan?

Yes, it was right before my [REDACTED]

RUSSELL: Okay, and you remember where you guys were living?

Uh, we were living in [REDACTED]

RUSSELL: Okay. And that's, is that when your [REDACTED]

Uh-huh, well, uh, they, as I recall that's the day she moved up to Arrowhead with him and then they [REDACTED]

up there.

RUSSELL: Okay, and you didn't, uh, did you move up to Arrowhead with them?

[REDACTED] Yes.

RUSSELL: Did you live up there?

[REDACTED] Yes.

RUSSELL: Okay, uh, I want you to be real truthful and, and as open as, as you can be and, you know, you're not gonna embarrass us we've been doing this for a long time.

BECK: I understand that.

RUSSELL: It might be embarrassing for you but, you know, we, we don't, we're just doing a job, uh, we live to know all the facts, okay. So just feel free and comfortable. Uh, why don't you, probably the best thing for you to do would be, uh, to start out, uh, I understand you had some problems with Sylvan.

BECK: You could say that.

RUSSELL: Why don't you just, why don't you just start from there the best you can and tell us, uh, you know, tell us the story.

[REDACTED] Well, let's see...

RUSSELL: ...anyway you want to do it.

[REDACTED] Uh, do you want to go chronologically?

RUSSELL: Sure. You know like when you first, when [REDACTED]

[REDACTED] and so forth.

[REDACTED] They [REDACTED] I guess it's pretty, pretty much typical [REDACTED] thing, you know, uh, before they get [REDACTED] he was a really nice guy afterwards all the beast comes out and he changed.

RUSSELL: Okay.

[REDACTED] Uh, I took on [REDACTED] for time, I went by [REDACTED] [REDACTED] for about five years and I took back [REDACTED]

[REDACTED] Uh, first he really wasn't abusive but he, he drank a lot and I, I'd sleep in the, uh, we had a cabin up there it was on [REDACTED] and it was a two level one, the upstairs was more or less a loft there wasn't any certain rooms. It was just loft and, uh, him and his

friends would get yahoo and they'd actually shoot in the house while I was sleeping. I remember that. They'd just shoot up, well, when they shot I was sleeping upstairs. So that kind of bothered me and he was real, he was real nostalgic about certain things. Like he'd play his records.

RUSSELL:

Uh-huh.

And, uh, he'd sit up there and he'd be playing his records and I'd be sleeping 'cause the record, record player was upstairs or his stereo or whatever was upstairs and he'd be playing his records and I'd be over there sleeping in a corner and he'd be all drunk and then he'd start talking to somebody and I asked him who, who you talking to and he's talking to his dad, who's dead, and he'd be talking to his dad, you know, and just carrying on a full conversation with his dad who's not there. Well, I guess, you know, I figured he was drunk but he did it, you know, on other occasions also. And, uh, he was, he was real weird about just little things. Like he had these army men, little plastic ones, not even tin soldiers or anything of real value and he let me use 'em and then I lost one one day and he just beat the hell out of me because I lost one soldier. I mean if they're dear to somebody I can understand but, you know, it wasn't, he never hit me in the face until I got older. But, uh, you know, a board that's usual or a belt but it was to the extreme of if I, I tried to crawl away he'd keep beating me as I crawled, you know. And, uh, it wasn't, it, it, times were good then and, uh, I don't know, do you want to hear about that kind of stuff or how, how like he'd go off, he got a job from [REDACTED]

[REDACTED] on an oil exploration ship and he'd go off to, uh, I don't know, Louisiana or something for, you know, three weeks on, three weeks off, and one time he took off and he didn't leave us any money for food or anything and, uh, [REDACTED] uh, I mean, like we, we'd have, we lived on like old chicken fat from when he had, you know, fried

chicken dinners and we'd make a gravy out of it, whatever potatoes we could find, you know, but he'd always had enough for guns and he always had, he had, underneath the stairs was his reloading bench and he had, you know, all kinds of guns, and, uh, he wanted to get a Federal Firearms License so he could buy a machine gun that was his goal at that time, I guess. He always had, he was not, he wasn't a drifter 'cause he had a family but he always, uh, went from one thing, like when we went to Alaska he wanted to be a weaver, he wanted to weave clothes. And, uh, when he lived in Idaho he wanted to have a farm with Filbert trees so he could grow truffles, the mushrooms that grow under, I mean always, you know, some kind of scheme or a better way to make money or something. And then, uh, I don't know, several times, you know, he used to, when they were building a deck on the cabin he used to refer to me as nigger and have me go, you know do this, go get this nigger, go get that nigger, you know.

RUSSELL:

He'd actually call you that?

Yeah, he'd called me nigger as in, as a slave reference 'cause I'm not black but he still called me nigger. And, uh, always put me down about, you know, I don't know he's always, he always, I guess to keep me in my place. I mean I understand everything he did now, for to an extent, you know, uh, always like, uh, I guess after they were first [REDACTED] and I moved out there and after things started settling, you know, he took me aside and he goes, you know, me and [REDACTED] ever get [REDACTED] I'm gonna kill you. In, in those words, real calm, real rational but he, he made it known that if, if anything were to happen so, so it would behoove me to make sure that they were together. And so, you know, he let me know this in no uncertain terms that this was what would happen.

RUSSELL:

How long had [REDACTED] when he told you that? Just...

[REDACTED]

...I guess about six months to almost a year. It, it would have been after they had been [REDACTED] and everything had settled down, you know, he took the place of [REDACTED] and stuff, then. And at times he was really good to me and other times he was real extreme a little, you know, evil son-of-a-bitch, and, uh, he had this real religious thing, you know, everyday he'd tell me, you know, the world is gonna end you better ready for it. I'd hear a jet fly by and that was, I, I thought the bomb was coming. Just real, he was real apocalyptic, you know, a survivalist, you know, he's ready for it, he wanted to go out in a blaze of glory that was his big thing, you know. If they're gonna get me, they're gonna, 'cause he used to listen to this, I don't know if you've heard of it, Ned Kelly. He was like a bandit in Australia. There's a movie that was done on it in the states and it was black listed and they couldn't sell it or anything. And it was about bandit who went out with all of his buddies, uh, when, when his time came, he came out shootin'. They shot him like 26 times and he lived for his own hanging. And that was his, that was like his idol. That and the American Indian. He was a real indian fan. Uh, we lived in Idaho for a time, I mean, in, uh, Arrowhead for a time and then we moved to Idaho up to [REDACTED]

[REDACTED]

Yeah, we lived in a little homestead there and, uh, I don't know, it just, you know, he became more abusive and stuff and when we moved up there he had a real thing with dogs and when we, we drove up there we had, uh, how many dogs did he have... ...we had, well we had, we had one big dog which he shot and killed and skinned later but, uh, that, that he took with him everywhere. And then we had like all these other dogs. And we drove up there and he had the big truck and then [REDACTED] and me had the, this little, I think it was a Toyota with a shell on the back. And we had like twenty, thirty dogs in the back of this car, puppies and two or three adults. And there was shit

and all kinds of smelling stuff coming out... can I see that on?

RUSSELL:

Sure.

Oh, and uh, it was just, you know, wretched conditions. I mean he could care less as long as, you know, he got his goal, you know, the wipers didn't work on the car and, uh, we were, we went, we'd go through Klamath Falls. If you've ever been through Klamath Falls it's mud, log trucks, and [REDACTED] is hanging out the window scraping the mud off the, off the window with a squeegee while we're trying to drive and, you know, he's all, just let's keep going, [REDACTED] is falling asleep and we're almost going off of the road. It was like that every time we moved and we moved a lot. You know he's just let's go, let's go, blah-blah-blah. But I guess a lot of people are like that, I don't know. Uh, when we got to Idaho things started getting really weird. Uh, we got our own place in Harrison after we moved, I think we moved a couple of times, we moved from, uh, [REDACTED]

[REDACTED] uh, I don't know, he, I don't know what you want me to tell you. I mean I can, I can go detail by detail because I know it all but...

RUSSELL:

Go ahead.

uh, I don't want to drag out, drag on. Uh, he was real, he was real religious in, in a weird, in a really weird sense. Uh, he'd have me sit there, well, this isn't, that was in [REDACTED] uh, on Halloweens, you know, he'd, people would come to the door, go away, you know, this is the devil's holiday, you know, you shouldn't be out at night and stuff like that. But he's real serious about it all. And then when we got to, uh, [REDACTED] we got, we finally got our ranch, uh, that's when he, he started really, you know, showing that he was just a psycho nut case. 'cause, uh, I don't know, we, you know, he got a couple of acres under his belt and I guess he thought he was his own sovereignty 'cause we were out there and, you know, it was three weeks on, three weeks off still. And when he was

gone I, I mean, I was a [REDACTED] and I pretty much had free reign in the house when [REDACTED] was away. And, uh, let me see, what was my point, oh, uh, he had, he had his firearms room and stuff and he had it locked up but, you know, that was his, that whole room was dedicated to firearms and then off to the side, uh, there was like, uh, a cubby hole in there and I used to go in there and fart around and one day he got real pist. He came home and he found, you know, this and that in his cubby hole. And, uh, he took me out of school and he brought me home and [REDACTED] worked in St. Mary's which is thirty some odd miles away. So school tried to get a hold of [REDACTED] 'cause they, they knew about [REDACTED] already. And, uh, he just beat the shit out of me. And then he went up to the loft and he went in there, the cubby hole and he saw through the roof into the bathroom and I was laughed my ass off. And, uh, he was all screwed up. He's all that's it, he was pist again, luckily [REDACTED] came down the driveway and he stopped. Whenever [REDACTED] was around he wouldn't do anything. Either he'd take me for a walk and go, hey, [REDACTED] we're going for a walk let's go. And I'd be no, no, I don't want to go. And he'd go let's go for a walk and then we'd go for a walk. And usually the walks would be to the barn which was about a half acre across the field and, uh, in there was hay and he made me strip down bare naked and, uh, then he'd sit next to me and he'd pray. He'd go, you know, something, he'd say Lord make this good beating let him know what he's doing wrong or whatever. And I might not have done anything wrong he just, for some reason, I mean, he, he, I, I believe he enjoyed it. And before the beatings even started I was crying 'cause he'd put me up against the hay and hay contains thistles, you know, like thorn bushes and stuff and I, I'd be bleeding already and then he'd just, he'd take off a loose board off of the wall and he'd just beat the shit out of me with it. You know, he'd start on my butt and then I'd move and I'd have bruises up and down my back and on my neck.

School never noticed it.

RUSSELL:

How, how old were you now at this time?

Uh, let's see Arrowhead, [REDACTED] I guess I was about [REDACTED]

[REDACTED] And, uh, on some occasions there would be a straight nail in the board that he didn't check and I'd have small punctures and, uh, lots of splinters. Uh, and then afterwards he'd sit down again and he'd pray one more time just to make sure the whole thing had sunk in and then he'd just go on about his business. And, uh, he's real violent. And at nights he'd get liquored up and, uh, he, he was, he was pretty, I guess you would call him illiterate. He, he couldn't read more than five words in about a half hour, well, that's an exaggeration, however, but he's like that. So he'd have me come, he'd call me and he'd go, hey, [REDACTED], and I'd come down and then he'd go, read book. And he'd talk in broken words 'cause he, he was so on this indian kick he tried to act an indian. He'd have me sit on his lap and read all this indian stuff. You know, it was just a book he got from the library about indians or something.

RUSSELL:

So he was doing this intentionally?

Huh?

RUSSELL:

Like he'd talk, he'd try and talk like an indian?

Yeah, or something, I mean, I don't know if he was drunk or whatever but he'd just go, read book, and then, uh, when, after I read for a while he'd go, oh, praised be to something or other and it wasn't, it wasn't even a Christian type of religion he was talking now and he's all, this is the true word, the bible is white man's word. And all this stuff. And I, [REDACTED] and him got in this big thing, [REDACTED] was real religious at the time too so they butted heads or whatever and he was a real fanatic about that kind of stuff.

RUSSELL:

Was he drunk...

Huh?

RUSSELL:

...when he did this stuff?

Yeah. But he was drunk all the time, you know. Well, not

all of the time during the days he'd do whatever he did and at night he'd get pretty sauced.

RUSSELL:

What would he usually drink?

Uh, they're called Hamm's.

RUSSELL:

Hamm's.

I never saw any hard alcohol in the house. It was always beer, you know, I think he'd, if you looked at a profile you could match him up to several types that are out there that are known. Uh, oh, and then we had the feud with the [REDACTED] if you want to call it a feud. He, uh, at random shoot the neighbors cats....

RUSSELL:

...uh...

...just to antagonize 'em...

RUSSELL:

...their last name is [REDACTED]

RUSSELL:

And what was the, what was the [REDACTED] name, first name, do you remember?

Yeah, it was [REDACTED]

RUSSELL:

[REDACTED] Why, why do you laugh?

Huh, 'cause [REDACTED] is short for [REDACTED] I mean, it was just funny that's why, that's the only reason I remembered it.

RUSSELL:

What, what do you mean, what, uh, [REDACTED]

Yeah, I don't know what [REDACTED] name was, [REDACTED] they just moved there and by the time I was gonna get to know [REDACTED] that, you know, they didn't want [REDACTED] to know us.

RUSSELL:

This is, uh, why don't you tell us about the neighbors that he got in a big fight with?

Okay, well, I don't know what the stink was but he, I guess, I guess, Sylvan believe that, that their cats were killing our chickens or something and it was the coyotes but he thought it was the cats. Cats don't kill chickens. They don't. And, uh, the way we found them the chickens had their heads cut off and, uh, it was either, it's either like a weasel or a coyote that would do something like that. Cats, cats would just chase 'em. I mean cats can't really catch a chicken. But, uh, the point was is

that they had all these cats and, you know, he'd see 'em walking around and he'd see like a tail going through the field and he'd go, hey, [REDACTED] watch this. He got his gun, pow, meow, the cat would die and that's it. You know he'd shoot the neighbor's cat and drop it off their lawn or do something. And one of the cats got caught in our root cellar, I remember this, and he, he, it wasn't our root cellar it was, well, it was a root cellar but it wasn't part of our house it was across the way at that same barn. We had two barns, one here, one here, and one was a shop, it was a hay loft and under here was a root cellar with one of those lifting doors and in there, the cat had gone in there, he watched it go in. So he locked the door and he left it in there for maybe four or five days to starve and the cat lived because there were mice in there. But it was still pretty wild, once he came in there he goes, hey, [REDACTED] follow me. So I just, I tagged along and he went in there and he had, uh, a .38, I don't know if it was a .38 or a .44, but he had a large handgun and a shotgun and he went in there and, uh, he goes, hey go out, go in there and flush him out. So I ran in there and I flushed him out and I ran back and the cat was, I mean, the cat was livid it was ready to attack him and he's shooting, he's shooting at the cat blowing holes in apple barrels and stuff that we store apples in. Pow, pow, pellets were ricocheting off the walls. Boom, boom, shooting. The cat runs around, takes a desperate run, runs right down the center of the room between two posts. He jumps in the air like he was gonna get him and he goes, boom, he shoots it, you know, one last time. And everything was peeled back and all that was left was his eyeballs and optic nerves. Well he put it in a package and he sent it to the [REDACTED] and that was around Christmas time so it had plastic peanuts in it and you can imagine that they didn't want to reach inside so they dumped on their floor or something. And I'm sure it was a bad mess. We never heard about that though. But...

RUSSELL:

...He, he put something on top of it?

Huh? Styrofoam peanuts like you pack fragile things in...

RUSSELL:

...oh, okay.

That way, you don't want to want to dump it on your floor to make a mess that they just reach inside, you know, or brush 'em away and they find their cat.

RUSSELL:

He, he did that it was like as a Christmas gift or something?

Just something to let him know he cared and, uh, also he shot, there was, we had like a broken down combine he shot one of the cats that was up on the combine. He shot his leg off. The cat went home and died on their porch. I was getting all kinds of shit about it

Anyways, uh, what else? Oh, he shot their dog too. Their dog had come over to our house and, uh, I went on the back porch one day and I didn't know the dog was there and, uh, I look out there and the dog was eating out of the dog bowl of one of our dog's. And I go, hey, the neighbor's dog is on our back porch. He goes, keep him there, keep him there, and he runs and he gets, he gets one of his guns, I think it was, I think it was a handgun he got at first, no, I don't know what he grabbed 'cause there was a gun cabinet right in the middle of the living room. The fire place was here, gun cabinet was here and he grabbed something and he ran out the back door. And I heard, pow, pow, pow, and he ran through the house again. He ran out the front door, boom, boom, boom, I heard the dog yelp once or twice and then the dog went scampering down the road. The we lived here, the road went like this, a little pond and then the lived right here. So the dog was trying to go back home. He gets in his truck, takes his gun with him, the dog is running in the bushes to get away from him. He goes off the road and goes out there and execution style, boom, boom, boom, shoots the dog

three or four more times. Takes the carcass, throws it in the back of the truck, he's backing up, [REDACTED] had heard all the shots so [REDACTED] coming down and they're like nose to nose. He's backing up, he's driving forward and they go into our driveway. [REDACTED] there, [REDACTED] is there. I'm hiding behind a bag of grain so I don't get shot. Sylvan's got a gun and he's waving it around. [REDACTED] goes, well, I just want my dog back. So [REDACTED] takes the dog throws it at [REDACTED] feet, [REDACTED] takes the dog and leaves. Shortly there after, uh, I'm not sure why they showed up but they showed up. Sylvan was away for like three weeks and, uh, I don't know if it was the FBI or, there was big scare in Idaho about white supremacists going nuts and there probably still is, but, uh, he had been reported as a Neo Nazi Extremist or something and, uh, that he had on the premises machine guns and explosives. Well I think maybe why they, uh, thought he had machine guns and explosives because he'd go out and rapid fire, I don't know, his M16, or mini 14. He'd just go out there and, prprprpr, you know, shoot as fast as he could. He didn't have anything automatic though. Thank God. But, uh, I don't know, they, they came and they searched the premises and stuff and, uh, that was 'cause of the neighbor, the neighbors had called in and said that, you know, he was a psycho nut case and, uh, I don't know.

GARCIA: Did they find anything?

[REDACTED]
Huh?

GARCIA: Did they find anything?

[REDACTED]
No, there wasn't anything there that wasn't, shouldn't have been there, especially on a farm. I think he had a couple of weapons that weren't registered though because he had 'em hidden in special places. And, uh, and one room here in his gun room and then it went down to, there was like gable and it was separated by a small door and then, and there's all sorts of insulation ducts. Like the one he fell through. And then there was another one off to the right as you went in, I can't believe I remember

this house so well, uh, as you go into the other room there was like another insulation duct. Insulation ducts are more or less like secret doors. It's just a panel that opens. You can go in there and do whatever and he had maybe four or five other guns in there. I guess they were like, uh, mostly handguns.

RUSSELL:

What, uh, why don't we, what guns do you remember that he had?

He had a mini 14, he had a .38, he had a 30.06, he had a .22.

RUSSELL:

Rifle or handgun?

Uh, both. He had a handgun and a rifle. Actually he had two 22s, I'm sorry. Two 22 rifles. And then one was bolt action and one was semiautomatic. The bolt action belonged to [REDACTED]

RUSSELL:

Also a handgun?

Yeah, a handgun, it looked, it was a Luger.

RUSSELL:

Ruger you mean?

It looked like a Luger.

RUSSELL:

Oh, Luger, a German Luger?

Yeah, it looked like a German Luger. And, uh, I think he had a .44. He had a 20 gauge, well, he had two 20 gauges 'cause he had mine. Well he bought one and he said he'd get it for me but he kept it. It was a Harrington Richardson, uh, exchangeable barrel shotgun that came in a hitman case. It was, uh, a twenty gauge with the exchangeable barrel for 30, 30-30, singleshoot nickel plated. It was nice. And then, uh, what else did he have? He had a really nice one. It was, it was a ten gauge shotgun it had the tracks across the top. I can't remember what it's called. It was real expensive. And, uh, oh, let's see, oh, he had a sawed off shotgun too. It was real, it was only like this big. He said he used to use it for shark hunting. I think he had a .45, yeah, he did. Let's see, uh, I think he had another 30-32, it was a single shot hunting rifle or at least bolt action. I think the .38 he had was a revolver but I heard he said he

had a .38. That's about all I can recall.

RUSSELL:

Did he ever, uh, you talked about the place in Arrowhead. Did he ever, how close did those, those rounds come to you when you were up in the loft?

Uh, I was sleeping over in a corner the place where they were shooting through was, I guess, it was about five to ten feet. It's not, I mean, it's not that bad but if I was up walking around, you know, they never could've known, you know, if I was...

RUSSELL:

...you say they, what do you mean they?

Oh, him and his buddies. He had a friend named

RUSSELL:

That lived up there?

Yeah, name.

RUSSELL:

Uh-huh. They lived across

RUSSELL:

Uh-huh.

RUSSELL:

Did he ever pistol point you?

Huh?

RUSSELL:

Did he ever pistol point you?

Did he ever point a gun at me?

RUSSELL:

Did he ever point a gun at you?

Yeah. But that was, that was like, it wasn't a big deal. I'd rather have the gun pointed at me than be beaten

RUSSELL:

What do you mean it wasn't a big deal?

Well he never, I never, I never thought he'd shoot me 'cause I think he, he, I never, for some reason I felt safe to a point that he'd never go over and actually kill me as long as was around and, you know, for some reason inside I never thought he'd, he'd kill me unless they broke up. And then, and then I, you know, I pretty much knew what would happen if, you know, if that, if that ever happened but, you know, he'd, he'd wave a gun in my face. He'd never go, you know...

RUSSELL:

... what would that...

[REDACTED]

RUSSELL:

[REDACTED]

...yeah, it would probably be loaded, I don't, I don't know what was in the chamber. Uh...

...were these handguns or rifles?

Handgun. He'd never point a rifle I guess it's too awkward but I always remember him having a gun. I remember, uh, when he was gone our dog killed one of our pigs. Well actually he mutilated one and killed the other, didn't even kill it, came in the barn and the head was attached to his spine. It was amazing the thing was alive still. And we killed it. And, uh, when he got back, the thing on farm is if a dog eats a live animal it, it'll crave that forever. And this is a big dog. The dog weighed a hundred and eighty pounds. And he liked it, uh, he loved that dog actually and so when he came home he found out about it and with remorse he went out and he went to shoot his dog. Well, he didn't shoot his dog in any old way that somebody would shoot a dog, you know, just boom. He got all dressed up and he got some shirt that he found somewhere and a jacket his dad gave him and a hat that he got somewhere else. And he had, and this, there's pictures, you can find these pictures where, in his house I'm sure if they'll, if they'll let you look. 'cause [REDACTED] doesn't have 'em unless [REDACTED] burned 'em but, uh, oh, and this jacket from Global Marine and then he had on a holster with, with a gun here and he had a shotgun here and, uh, and it was a .44 that he did have. And then, uh, the 30.06, here, and then he just went out and he had me take all these pictures with him on the dog leash posing in the apple orchard. He goes, okay, [REDACTED] you can go. I'm all, all right. You know, I went in the house and I heard six shots. He shot the dog six damn times in the head. 'cause when I got there, there was nothing left of the head. And then he, then he skinned the dog and he kept it like a buffalo robe. It was nasty too because he, he didn't even know how to tan hide, he put salt all over it and the mice had chewed all the edges and then he wore it around on his back like he was, you

know, some kind of indian guy.

RUSSELL:

What kind of dog was it?

It was a Malamute Great Paranes. [REDACTED] shit, they didn't know what the hell to think.

RUSSELL:

Have you ever, have you ever see 'em go to, to the door with a loaded gun when somebody had knocked on the front door?

No. No.

RUSSELL:

You, uh, you know, I want you to be real honest or, you know, it's, it's up to you, you mentioned, uh, you started laughing when we talked about [REDACTED] then you said [REDACTED] you thought that was funny.

Oh, I thought the, the name itself was funny. It's a humorous name.

RUSSELL:

Oh, okay...

...like a pain in the ass.

RUSSELL:

Did he ever, uh, sex, sexually abuse you?

Sylvan, no.

RUSSELL:

Okay.

He just believed that the body should be completely bare, I don't if that's what he believed but it happened every time I got beaten, that I pretty much stripped down butt naked and then he'd just beat the hell out of me.

RUSSELL:

Did he als...every time he, he gave you a wippin' or whatever he always made you take your clothes off?

Uh-huh. At least take my pants off.

RUSSELL:

How many times would he, would he, uh...

...beat me in a month?

RUSSELL:

Whatever.

Fifteen, twenty times. I'm glad he's dead. I can't, I can't say with the slightest remorse. When I heard I bet that's still on the answering machine. [REDACTED] calling saying and [REDACTED] goes, hey, did you hear Randy Byrd died. I said Randy Byrd died, and [REDACTED] said police shot him. I said, they shot him, he's dead, are you sure and a bunch of yahoos after that. 'cause that guy was an evil son-of-a-bitch and I'm glad he's gone.

RUSSELL:

Did, uh, did [REDACTED] know 'em?

Hmm?

RUSSELL:

Did [REDACTED] know him?

No, not really. [REDACTED] did through associates, not associates but friends at the bar, [REDACTED]

[REDACTED] And, uh, all the football players and stuff used to go there and Sylvan, he was like a street fighter type when, in his younger days. He used to street fight with, uh, [REDACTED] and stuff and just get in general brawls. And they'd come in [REDACTED] so, and both of those guys are heroin addicts that are, have hepatitis or dying by aids by now I'm sure. I know [REDACTED] had Hepatitis 'cause [REDACTED] was strung out on heroin and, uh, most of [REDACTED] friends are pretty messed up.

RUSSELL:

RUSSELL:

Uh, I guess I [REDACTED] we had moved back down. We moved up to, uh, Alaska, that was a fiasco. We moved back down here to [REDACTED] And then, uh, after he, one day I came home, I went out, I was trying to get on the dating game or something. I don't know if it was the dating game or, it was one of the younger shows and, uh, I was, I was going out to, was it leaving or coming? Yeah, I was leaving, I was gonna go... (phone ringing) ...can I get the phone?

RUSSELL:

Sure.

Uh, I was gonna go to this thing and he goes, no, you're gonna do this and you're not going anywhere. And I said I'm leaving and he socked, he socked me in the face and then I said, okay, thank you, and I didn't say anything. That was the highlight of my life with him because he punched me and I didn't, I had no reaction. I just got on [REDACTED] I called [REDACTED] and the next day I was on a plane to Idaho and I was gone, cause that was the last of it. I guess he was gonna start

hitting me in the face. Things were just gonna get really bad. Uh, after a while I got used to being beaten. You don't, I mean, you feel it but it doesn't really register anymore.

RUSSELL: Did, did, were any reports ever taken or anything like that?

[REDACTED]
No.

RUSSELL: Police reports...

[REDACTED]
...no...

RUSSELL: ...any reports [REDACTED] anything like that?

[REDACTED]
He threatened me that if I told anybody, you know, it would just get worse or, you know, he'd kill me.

RUSSELL: After [REDACTED] he had made, he had told you that if him and [REDACTED] or if [REDACTED] ever left him that he'd kill you?

[REDACTED]
Yeah.

RUSSELL: Were you concerned about that when your [REDACTED]
[REDACTED]

[REDACTED]
I wasn't in the state anymore, I didn't think he'd come after me that far.

RUSSELL: You, you were in Idaho?

[REDACTED]
I was in Idaho.

RUSSELL: [REDACTED]
[REDACTED]

Uh, I never, I didn't think he'd come up there but the funny thing is is that I found out that he was in Idaho six months ago the same time I was. I was up, not six months ago for Christmas or New Year's. He was up there visiting [REDACTED] I don't know why he'd...

RUSSELL: ...about a month ago?

[REDACTED]
Uh-huh. Why he'd go see [REDACTED] 'cause they're not, you know, they're not [REDACTED] or anything. He went up there with his [REDACTED] or something. He went up there, it was the same time I was up there. It freaked me out 'cause I found this out after he was dead...so.

RUSSELL: Did he ever, uh, did he, did he talk anybody up there that you know?

[REDACTED]
Yeah, he talked to [REDACTED] n. Uh, it's [REDACTED] I

don't know what [REDACTED] I could get you the address and phone number.

RUSSELL:

I, I think [REDACTED] is gonna do that.

And, uh, I don't know what he was doing up there.

RUSSELL:

Do you think he might of been looking to see if you and [REDACTED] were still up there?

No. I don't think so.

RUSSELL:

When's the last time that, that you actually talked to him...

...the last time I saw him was when they were in court. He was suing [REDACTED] for money that [REDACTED] was supposed to be getting from [REDACTED] lawsuit against [REDACTED] and I saw him there. And he didn't say a word to me. He was just, you know, staring me down. I said like whatever. He wouldn't do anything in the court room. ---**---

RUSSELL:

Do you remember when, uh, when they had this thing up there, I believe it might have been the Treasury Department that raided the farm up there. Was there a local authority that was involved in that, that you know of?

Yeah, I think the local sheriff's department was there with them.

RUSSELL:

St. Mary's, maybe, does that ring a bell?

I think it was, I think it was Harris, the Harrison, no, I guess, Harrison doesn't have a big enough police force. It would have to be St. Mary's.

RUSSELL:

St. Mary's?

That's the local...

RUSSELL:

...Sheriff's Office?

Yeah. It would either be St. Mary's or Harrison Police Department. But in Harrison there's only like a hundred people.

RUSSELL:

He never pointed a gun at you?

Not, not just like this but he, you know...

RUSSELL:

...he'd wave it in front of you?

Like conversationally like blah-blah-blah.

RUSSELL:

He told you, he told, other than that one time that he

██████████ tell you, he told you that he'd kill you is there any other times that he'd tell you he kill you?

Many times. I mean he, this is a repetitive thing like, like he wanted me to know this, it was almost on a every other day basis. You know, it was, I guess he was insecure or something, well, if ██████████ ever breaks up with me, you know, I'm gonna kill you. Or, you know, he'd say it more serious and yell it. you know...

RUSSELL:

██████████ ...did he tell you why, did he ever tell you why? Did he ever give you a reason?

██████████ 'cause it would be my fault. That's like, that could be the only reason why he beat me all the time 'cause everything that happened was my fault. Because his life was shit because of me. Uh, his farm was a piece of shit because of me. Uh, his farm was a piece of shit because of me. He had had horses and ██████████ to take care of 'em, and no water system in five foot snow. I had to carry two buckets of water which were five gallons each to a water trough and fill it up. And an ██████████ can't carry that kind of stuff and the water through wasn't like five feet away it was like a half mile to the, to the pen, you know. And, uh, you know, he was frustrated with his life I guess or whatever and I was, I was the vent.

RUSSELL:

██████████ Did he ever tell you, talk about his military experience? Well, he was a champion all right. He, he made it sound like he was a Vietnam Vet, you know. I was, I was a champion instruct, I was champion at this and blah-blah-blah and I was, I was something Amtrack Instructor. Well if he was such hot shit they probably would have sent him off to Vietnam wouldn't they? I don't know. Uh, he was always talking about how he was a warrior, whatever that means.

RUSSELL:

██████████ Do you know about a security school that he, that he, uh, went to up in Alaska?

██████████ Briefly, he never, he never went to it all the time. He, I guess he dropped out of it or something.

RUSSELL: You don't remember the name of it?

God, no. I don't think so, no.

RUSSELL: How about the [REDACTED] he worked for?

Who he worked for? Well I know he worked for Global Marine, up there you mean?

RUSSELL: Up there [REDACTED] thought that he was, that he was a security guard to some individual up there or?

Oh, I don't know. I stopped carrying by the time we got to Alaska. All I remember is they separated for a time up there. And [REDACTED] and me lived alone somewhere in Anchorage and, uh, he'd send tapes, you know, kind of hill billy rustic country western stuff. [REDACTED] I miss you, blah-blah-blah, I don't know, I never, I couldn't listen to it for more than a minute I thought I'd vomit. They'd come in the mail and I'd take a magnet to half of em, ... fuck you. I hated that guy. I mean, I don't know, honestly, you know, [REDACTED] I'm sure, had to, [REDACTED] had to know some of the stuff was going on. I mean, you know, I don't come back and I can't sit, sit down in a room with them they, they got to know something is happening but, uh, I don't blame [REDACTED] for anything that's happened. But, uh, [REDACTED] had, [REDACTED] had to have known something.

RUSSELL: Did he ever talk about, uh, did he ever talk about wanting to get into law enforcement?

Sylvan? He talked about shooting law enforcement.

RUSSELL: What do you mean by that?

Well, you know, he had this big blaze of glory speech, you know, I'm gonna go out and like the Ned Kelly thing 'cause he'd listen to it and after he'd listen to it then he'd, he'd go off on how he'd do it, you know. Oh, I'll come out and I'll come out shootin', them sons-of-bitches won't get me, you know. And he was already to be hold up when ever they came he was gonna be ready, whoever they were. He was waiting for the day to come.

RUSSELL: But he never, he'd never say who they were?

No.

RUSSELL: How about, what about law enforcement, did he ever talk

about law enforcement? That he wanted to kill a cop or kill cops?

[REDACTED] I never, I never heard him talk about it. He just, you know, he was, he was, he was, he was just, uh, can't even find the word, just a survivalist that was nothing to surviving 'cause there was nothing wrong really.

RUSSELL: Would you call him a mercenary?

[REDACTED] Yeah. Well, yeah, mercer to, mercenary, uh, mentality. He never, he never did anything to be, you know, given those credentials. He wasn't in the Marines, uh, he's not a war hero or anything though. He'd tell stories like he is or was. Uh...

RUSSELL: ...did you ever see him shoot at the [REDACTED] up there? At their bodies?

RUSSELL: Or towards their, their house or their property?

[REDACTED] No. I mean, when he chased, when he, when he shot their dog he was on their property.

RUSSELL: He was on their property?

[REDACTED] Uh-huh.

RUSSELL: Anything ever come of that, anybody report that or anything?

[REDACTED] No, not that I know of. Well, I mean, right after the, those agents came.

RUSSELL: Did he, uh, did he not like those people or, uh, was he trying to get rid of them or?

[REDACTED] I think it was part territorial because we, we pretty much owned all that we could see, we're in the valley, they were up on top of there. Uh, I don't know, I don't know why, what his motives really were. It was probably territorial if you think about it. 'cause we lived there for a year or so and then they just moved in and they brought their trailer or something. There wasn't even a house there. It was like a mobile home they moved it in there, what's it called, well, it's a home that they moved and put down.

RUSSELL: Did he carry a gun around with him a lot?

[REDACTED] Yeah, he'd have one in the car.

RUSSELL:

Did he carry it concealed?

Uh, underneath the seat. Uh, yeah, usually underneath the seat.

RUSSELL:

Back here?

Huh?

RUSSELL:

Back here when you lived in California?

Yeah.

RUSSELL:

Idaho?

Uh-huh.

RUSSELL:

Alaska?

Oh, in Idaho it was a little more relaxed with guns so he had the gun rack up here.

RUSSELL:

Uh-huh.

You know, how it attaches to the back window or whatever. Alaska I don't know. Everything in Alaska is pretty vague with him because I, I really stopped carrying, I think. I didn't give a shit anymore at all. I was so burned out on everything, you know. Uh, I still, I still suffer from, you know, what he did to me now. But, uh, I don't know what else to tell you. Uh, ask me questions I'll answer, you know.

RUSSELL:

Okay, uh, after the [REDACTED] did you ever see him again?

No.

RUSSELL:

Did you ever talk to him?

No.

RUSSELL:

Did he ever try and make contact with you?

No, I was gone before the [REDACTED] happened. I think that's one, the reason why they finally broke up.

RUSSELL:

But you said you saw him in court?

Oh, yeah, well, I saw him in there but that was it and then that was only for a brief moment. It was during the hearing, or something he was trying to sue [REDACTED] for --
**-- I don't know how this suing went. He was just trying to get a piece of that or something.

RUSSELL:

This was on the lawsuit [REDACTED] had...

...uh-huh, that was --***--

RUSSELL:

....and he was trying to get some money...

[REDACTED]
RUSSELL:

...I think it was in [REDACTED]
Did you ever meet any of his relatives?

Yes. They, they're nut cases too. Not, not to his extent they're just like religious extremists, you know. Uh, they sold the cabin, they sold that cabin that we lived in Arrowhead and I guess they gave half of it to the church or something. I mean, religion is religion, I, I don't have anything to say whatever they do, they do I guess. What religion?

GARCIA:

[REDACTED]
Uh, Sylvan was take your pick 'cause he, he went to every church that you could find. Four Square, uh, Televangelism, Christian, I don't, he never went the Catholic route, he was always, you know, they Holly Roller, Jesus, Baptist, uh, I guess it was Baptist pretty much. Uh, yeah, it was, it was [REDACTED], I don't know the last time I heard [REDACTED] was working, moving like boxes at the airport or something. You know, when you put 'em on planes.

RUSSELL:

Do you remember his [REDACTED]
Something like that.

RUSSELL:

Which [REDACTED] it was?

RUSSELL:

[REDACTED]
Yeah. And, uh, [REDACTED] was just a nut case, real, yeah, [REDACTED] was a nut case. [REDACTED] was just like real up tight, you know, uh, oh, I wouldn't do that. I, I can't describe [REDACTED] was just really, uh, strange. Real spaced out.

RUSSELL:

How about [REDACTED] ever, uh, have a talk with you and, uh, tell you, hey, uh, stay clear of [REDACTED]
...no...

RUSSELL:

[REDACTED]
...he's trouble and stay out of his way?
No, [REDACTED] is a happy go lucky [REDACTED] that's just looking to get by. I don't think, you know, [REDACTED] like, you know, carefree. [REDACTED] doesn't give a shit about whatever just, you know, [REDACTED] works at the airport 'cause that's what [REDACTED] has and I'm sure [REDACTED] smokes pot 'cause Sylvan, Sylvan,

when we were in Arrowhead I know they did drugs but they never said anything to me.

RUSSELL:

What kind of drugs.

I, I think Cocaine, I don't know.

RUSSELL:

You say they, who is they?

Him and

RUSSELL:

Okay.

Uh, because, I mean, don't know what things are but, I mean...

(END OF SIDE ONE, now being transcribed by R. Archey)

RUSSELL:

...we're inside, the time is uh, 2208. How about marijuana, did he smoke some weed?

I think so, I never seen him do it in the later years though like when him and were together away from his friends and stuff but I don't think he ever did but he was always avidly drinking at least a six pack a day I'd think.

RUSSELL:

How 'bout this

RUSSELL:

No, another named, uh,

RUSSELL:

Did you ever meet a friend of uh...
...Sylvan's? I don't think it's one

RUSSELL:

Yeah, I, I remember What about

RUSSELL:

What can you tell us about

Um, all I know is that he was one of Sylvan's street fighting buddies I think.

RUSSELL:

Uh, when you say street fighting, I mean is this like, uh, like a gang thing or uh....

No, they just get out and get in scraps I guess. Uh, they, he always used to just always talk about, I don't know how they went about it, but he always used to talk about how they'd go out and kick somebody's ass or they'd be in fight or, you know, it was always the odds against someone. There was always a bunch of guys and it was just

him and him, you know, or...

RUSSELL:

Sylvan is a pretty big boy.

Yeah, he was pretty big. Uh, I don't know, I don't remember how tall he, I think he's five eleven 'cause he was always telling me you'll never be taller than me.

RUSSELL:

He's pretty well put together though as far as his build and everything.

Yeah, he was a very strong man.

RUSSELL:

Yeah, uh, same with, uh,

Is he? I don't know, I haven't, I don't really remember that well.

RUSSELL:

Oh, so is

Yeah, all his friends are like really big guys.

You can just imagine how big he is.

He's a He worked,

RUSSELL:

Was this all out of Long Beach?

Uh-huh. It's all his friends from Long Beach.

RUSSELL:

How 'bout any at Los Al? Did he ever have any contact with Los Alamitos or Police Department?

RUSSELL:

Well anything, I mean

Oh, no. I think regarding this, after I heard he was shot, I called and they, they referred me to the Orange County Sheriff's Department said they were carrying on the investigation and then uh, I called Orange County and they said call Los Alamitos and that was the last I heard of it 'cause I, I wanted to know how he went out. I, I was pleased...

RUSSELL:

...we can't discuss that right now cause, cause it's an on going investigation.

Oh, that's fine.

RUSSELL:

But we do the officer involved shootings for Los Alamitos Police Department, different agencies they don't

investigate themselves in shootings. Our deputies get involved in shootings and the District Attorney's Office handles the investigation. So you never had any run-ins with [REDACTED] or anything?

[REDACTED] No. As far as I'm concerned [REDACTED] is an okay [REDACTED] cause I never heard anything bad out of [REDACTED] mouth or anything like that [REDACTED] just seems like and this is old, you know, just what ever happens, happens [REDACTED] doesn't, [REDACTED] I don't think [REDACTED] could be out to get anybody that I know of, you know, [REDACTED] was just...

RUSSELL:

Did he ever uh teach you, want to teach you how to shoot a gun or handle a gun?

(Now being transcribed by Mary A. Garcia)

[REDACTED] Yeah, that's the first thing that he taught me. That's probably the only thing, I, I'm an excellent shot.

RUSSELL:

Okay, as far as when you, when you were in Idaho he took you out and...

[REDACTED] ...uh-huh, and in Arrowhead...

RUSSELL:

[REDACTED] ...what guns did he introduce you to?

22, uh, not, the 12 gauge, uh, 3 ---*--- 6.

RUSSELL:

How about handguns?

[REDACTED] Yeah, 44, 38, I shot all of his weapons. Uh, Arrowhead we used to go out to the desert and, uh, you go rattlesnake hunting, catch rattlesnakes and put 'em in a box with a window on 'em I remember 'cause one day they all got out in our house. But, uh, we'd go out there and we'd go shooting, shooting all kinds of stuff, I think [REDACTED] they'd go up there with us and stuff too. Go shooting out in the desert. And then we, in Idaho we didn't worry about going to the range or anything 'cause we had all our own land and we shot out there I guess. Idaho is a lot more relaxed with guns, everybody's got 'em.

RUSSELL:

You ever, are you familiar with a trophy, a shooting trophy that Sylvan had, uh, it's a, uh, it's like a police trophy, uh...

[REDACTED] It wasn't police, he got it from a turkey shoot or

something. He won a ham or a turkey or something, I don't remember any trophy, trophy but I, if it was when we were with him he, he won a ham at a shoot off thing.

RUSSELL:

Where was this at?

I think, it was probably in, uh, Arrowhead, at the Arrowhead, I don't know if it's a gun club or the rifle range up there, he's always talking about the chief and the firing line and someday how he wanted to be chief.

RUSSELL:

Do you have a range up there?

Uh-huh.

RUSSELL:

Do you remember the name of it...

...nut-huh. ...I think there's only one licensed range up there though. it's not that big. They've got a room. But you go out to the desert, you know, the high desert and shoot out there all the time in cattle country.

RUSSELL:

The one I'm thinking of is actually, it's actually, it's a shooting trophy. It's got a figure of a policeman on it. Uh, it's says expert.

I don't think so.

RUSSELL:

I took it out of his apartment, have you ever seen it, are you familiar with it?

I don't remember that.

RUSSELL:

He had a lot of knives too.

Yeah.

RUSSELL:

Did he ever threaten you with a knife?

No.

RUSSELL:

You never saw him go to the front door and answer the door with a gun?

No. We never had any visitors. We always knew who was coming. We weren't social with anybody. We didn't have friends after we moved, nobody ever came around.

RUSSELL:

When you say after you moved what do you mean?

From Arrowhead.

RUSSELL:

From Arrowhead.

Once all the, all the familiar surroundings of California were gone we had no friends and I couldn't have friends over.

RUSSELL:

Why is that?

He didn't want 'em in the house that's all.

RUSSELL:

Any specific reason?

Mine wasn't to ask. Asking him probably would get me beat. So I, I learned to stop asking questions.

RUSSELL:

RUSSELL:

RUSSELL:

RUSSELL:

RUSSELL:

RUSSELL:

Okay. Rudy?

GARCIA:

I just have a couple of questions, uh, as far as when he threatened to kill you if you were, if, you know, he, [REDACTED] ever left him, did, did you believe he'd come through? Oh, yeah.

GARCIA:

So you thought that for sure that he would do that then, huh? So when, uh, when [REDACTED] finally [REDACTED] him, uh, what, what actions did you guys take, as, as far as, uh, you know, protecting yourselves?

Uh, it's kind of my fault I didn't, I didn't take any actions 'cause I figured I was safe enough in Idaho because I had been gone, I guess, six months when I heard they had been [REDACTED] moved out with [REDACTED] or something.

GARCIA:

That's right, yeah, after, after, you know, [REDACTED] I guess you were, uh, after he punched you in the face then that's when...

...yeah, I left and then I was in Idaho. So I wasn't, I wasn't that concerned. I was just glad he was gone, I, I was smoking pot then and stuff and I didn't give a shit

about anything. I was really screwed up then.

GARCIA:

Okay, what about his attitude, uh, towards, uh, law enforcement? How would you portray him?

He sure didn't like no cops.

GARCIA:

What were some of the things that he'd say about cops?

Nothing much, really just like stuff about how, you know, if they, if they, you know more in a general sense of, you know, the feds or the police whatever, you know, came, you know, he'd be ready for 'em. And the only way they'd take him is dead.

GARCIA:

What do you think would have happened had, uh, had he been home when I guess the Treasury Department or whoever came over to search the house?

Probably would of been, uh, a lot quicker if you guys, they, the Los Alamitos Police wouldn't have take of him.

GARCIA:

So you think he was serious about that?

Oh, definitely, definitely because the, when, he probably would of thought that the government was coming down and, you know, they were gonna disarm the people, you know, that's, that's how he felt. He was, he was real paranoid about that kind of stuff, them trying to take his guns away from him. So he'd rather die than that happen, you know. And, uh, if they'd a come, 'cause when they came me and my mom were sitting there watching t.v. and we didn't hear a thing. They're really good. And all I heard was a knock on the door and I looked around and every window had a person in it. They were all, and they're all wearing flag jackets and shotguns and stuff. He would have flipped. He would have flipped right away. Because seeing that condition I would of, I wanted to grab a gun but I didn't know what was happening. I opened the door and there's the guy, he's got a shotgun to my chest and, you know, 'cause they're ready for a full on raid and, uh, I'm all, okay, you know, and then I realized what was happening.

GARCIA:

What do you think he would have done though?

He would of gone out blazing.

GARCIA: Even though he saw a police officer...
[REDACTED] ...yeah, he'd of had, it wasn't police it was, it was like unmarked cars and, uh, I think a sheriff came along after they, after they'd already made their move or something.

GARCIA: Did you ever see him, uh, in a confrontation or just talking to any law enforcement at all? Any Sheriff coming over and talking to him maybe about killing the dog or anything like that?

[REDACTED] Nut-huh, no, I don't recall seeing him around any police officers.

GARCIA: Did you guys ever, [REDACTED] ever think about maybe calling the police when he, you know, did something crazy or...

[REDACTED] ...no. They had a real strange relationship, like, you know, silent control. He didn't have to say anything but [REDACTED] knew what [REDACTED] was supposed to do and what [REDACTED] wasn't supposed to do. I don't think he ever beat [REDACTED] I don't think he ever hit [REDACTED].

GARCIA: ...uh, uh, this is kind of sensitive but, you know, we need to ask it anyway, uh, what about, uh, you said he was, uh, at one time I felt that, I think the authorities I think felt that he might have been a white supremacist...

[REDACTED] ...uh-huh...

RUSSELL: ...and that's one of the reasons why they came and searched his house. What was his attitude, uh, towards...
...racially?

GARCIA: Racially, yeah, toward blacks...

[REDACTED] ...he was racist...

GARCIA: ... or towards hispanics or...

[REDACTED] ...everything that wasn't him.

GARCIA: So everything that wasn't white pretty much, huh?

[REDACTED] Right. But he wasn't, he wasn't, you know, uh, really --
**-- about it, you know, if, if he happened to make a black friend, I don't know. He didn't have any black friends but like he couldn't of been that racist 'cause [REDACTED] So, but, uh, you know, he

referred to Chinese as Chinks and black people as Niggers...

GARCIA:

...but that's...

GARCIA:

...yeah, nothing about Jews though, you know...

...what about Mexicans, what was his attitude towards Mexicans...

...I really, I don't know 'cause there weren't any Spanish people in, uh, Idaho.

GARCIA:

Well, in [REDACTED] I guess there are some right, so, uh...

...I guess he called 'em spics, you know, I mean, he just, whatever, whatever came to his little mind to say, you know, he wasn't intelligent enough to address people as they should be addressed.

GARCIA:

So as far as being racist would you classify him as, as...

...oh, yeah. You know, he wasn't, uh, lets get the guns and go hang somebody but you know he, I guess he was closet racist type. I guess, I guess you could classify it as, I'm not sure. Very militaristic.

RUSSELL:

Anything else that you think of we haven't talked about?

[REDACTED] No, I guess

that's about it.

GARCIA:

When, when you say he was mean son of a bitch, right, what was the worse thing that you think he's ever done? The meanest thing he's ever done?

The meanest thing?

GARCIA:

Yeah.

Continuously beating me [REDACTED] straight that's got to be the meanest thing anybody can ever do. And then say it all in the name of God.

GARCIA:

Did you ever see him beat up on anybody? Uh, assault anybody?

Nut-huh.

GARCIA:

You say he's a street fighter, but did you ever see him fight at all?

No, no that was the whole thing. He was saying how he was

such a champion but he never, you know, showed anything. Not that I wanted to see him beat somebody else up but, you know, it sounded like a lot of talk.

GARCIA:

Did you ever see him back off?

Huh? Yeah, I've seen him back off of people. Like when [REDACTED] came down and Sylvan had the gun and [REDACTED] didn't, he had it pointed at [REDACTED] uh, [REDACTED] was just saying I just want my dog and Sylvan and, and, you know, there was a confrontation and Sylvan was the one to back down. But thankfully he didn't shoot [REDACTED] but he was ready to shoot [REDACTED]

GARCIA:

What do you mean back down though?

Huh? Well, he just, I guess it was a yelling match pretty much and then, you know, he, he just, he goes, you know he'd lower his weapon, he goes take your dog and go and that was it but I don't know, I don't, I mean, you can't really have a confrontation when one person has a gun and...

GARCIA:

...right...

...and one person doesn't, you know.

GARCIA:

Did you ever see him back off...

...from a face to face fight...

GARCIA:

...yeah, right...

...no. I, I never seen him really get into a confrontation. He was rowdy, you know, he'd yell at people when he was driving, you know.

GARCIA:

What about as far as being suicidal, I mean, did he ever say anything about wanting to commit suicide or anything like that?

His favorite saying was today is a good day to die.

GARCIA:

Okay.

Uh, I don't know where he got it but, uh, he'd get liquored up he'd be all [REDACTED] today is a good day to die, are you ready, and then he'd talk about how he'd come back from the grave. This is all from Ned Kelly, how'd he come from the grave and, and, I don't know, get the people that, that got him, you know, and he said if he ever got

shot the boys would kill whoever killed him.

GARCIA:

Okay, and...

...boys being

---*---

GARCIA:

As far as the police coming to your house that would be the only time I guess the police were actually at the house then right?

Uh-huh.

GARCIA:

In Idaho?

Yeah.

GARCIA:

Besides that there was no other incident where there police...

...no...

GARCIA:

...were actually called?

'cause I don't, uh, most of the places we were so isolated there was nobody to call unless it would of been and never called.

GARCIA:

And as far as you know he's never been arrested before then, right?

I'm sure he's been arrested, I'm pretty sure. In his youth, yeah, I'm sure he's been arrested.

GARCIA:

Okay, during the time you knew him he'd never...

...no...

GARCIA:

...was arrested?

No.

GARCIA:

What about, uh, when he was off like in New Orleans I guess, uh, did he ever say anything about him getting in trouble out there? Either fighting or, or doing something?

He, he wasn't on shore. They flew him out to the boat right away.

GARCIA:

Okay, what about having problems on, on the boat itself? Yeah, he got in a fight on the boat or so he said. I don't know what the guy's name was.

GARCIA:

Do, do you recall what he did, I mean, as far as the fight?

Huh?

GARCIA:

Did, he...

...he just beat the guy up or something.

GARCIA:

Why or how is it that he has, uh, is he terminated, is he fired or why does he stop working?

GARCIA:

Right.

They filed Chapter 11, I think they went bankrupt.

GARCIA:

So what do you think happen, I mean, as far as your, uh, his conjecture, I guess, based on, based upon the article...

...and the facts that I have about, uh, when he got, when he was killed?

GARCIA:

Yeah.

Uh, I'll bet 10 to 1 that he had, okay, 'cause I read that there was music playing on the, when the officers arrived or whatever that they heard loud music and a lot of yelling, I bet he was either playing Ned Kelly, what else... ..there's like three records he always listened to, it, if you're go through his, I mean, 'cause you already got that shooting thing. Get his Ned Kelly album and check it out 'cause that's like, you know, I mean, they write the book that, whoever was then one that, when they shot Lennon for the motive but, I mean, this, that is his, you know, his bio is all, all from that, that book 'cause there's a book that comes with it and some stuff and some picture, but, uh, I'm sure he's listening to his music and maybe he was talking to his dad and, uh, probably had some kind of dispute with [REDACTED] and I bet, I bet he shot at the officers 'cause I think he'd have to be provoked somehow if, if, I mean, the officers would of had to be provoked if they were to shoot him. Unless, unless he, he just raised it 'cause a gun pointed down, I mean, it wouldn't make sense if, if they were to just shoot him if he was holding the gun in his hands.

GARCIA:

Well, what do you think his attitude would be, let's say he was listening to that, uh, Ned Kelly,...

...oh, he'd be ready to come out blazing.

GARCIA: Okay, and all of the sudden he just hears the pounding on the door...

[REDACTED] ...uh-huh..

GARCIA: ...okay, what do you think his actions would be? Let's say he's listening to the music, he's arguing with [REDACTED]

[REDACTED] ...uh-huh...

GARCIA: ...uh, he's been drinking, okay, he's, he's talking to his dad. And then all of the sudden you hear a loud bang at the door, what do you think his attitude, what's the first thing he's gonna do?

[REDACTED] He'd get his gun and then he'd just, I don't know what he'd do.

GARCIA: But as far as opening up the door how is he going to open the door now?

[REDACTED] huh, he'd probably keep his gun at his side, I'm sure he wouldn't point it right away..

GARCIA: And then what would happen after that?

[REDACTED] Well, maybe try something sneaky like pull his gun out and shoot or he'd just go into some kind of, you know, rage and then shoot, you know.

RUSSELL: But you never seen him open the door and have a gun though, right?

[REDACTED] No.

RUSSELL: So that's just kind of conjecture?

[REDACTED] Yeah, that's all conjecture.

RUSSELL: Okay, anything else?

[REDACTED] No.

RUSSELL: Okay, I think we'll go ahead and end the interview then. The time is, uh, 2226.

(END OF INTERVIEW, [REDACTED])

SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA

BRAD GATES, SHERIFF-CORONER

FOLLOW-UP CRIMINAL REPORT

OFFENSE: OFFICER INVOLVED SHOOTING	LOCATION: 3572 HOWARD AVENUE, APT.#4 LOS ALAMITOS	
VICTIM: CORPORAL VICTORIANO CANTU OFFICER MARK VANHOLT	DATE: SAT. 1-23-93	GRID: 796J3

DETAILS OF INCIDENT:

WITNESS LIST

Los Alamitos Police Department
3201 Katella Avenue
Los Alamitos, Ca. 90720-5601

The following personnel from the Los Alamitos Police Department responded to the scene;

- a) Commander Gary Biggerstaff
- b) Sergeant James Jessen
- c) Sergeant Rene VanTilborg
- d) Sergeant Arl Farris
- e) Officer Dan Kelley

Seal Beach Police Department
911 Seal Beach Blvd.
Seal Beach, Ca. 90740

The following personnel from the Seal Beach Police Department responded to the scene;

- a) Sergeant Rick Ransdell

INV. R. RUSSELL #105/R. RAMOS #79

DATE: 3-10-93

APPROVED: SGT. J. SIDBOTHAM #80

- b) Officer Jerry Ellison
- c) Officer Joseph Miller
- d) Officer John Scott
- e) Officer Steve Staley

Cypress Police Department
5275 Orange Avenue
Cypress, Ca. 90630


The following personnel from the Cypress Police Department responded to the scene;

- a) Sergeant Mike Idom
- b) Sergeant Larry Jordan
- c) Sergeant Sandea Stanton
- d) Agent Matthew Robinson
- e) Officer Darrell Baldwin
- f) Officer Robert Cote
- g) Officer Carlos Solorza
- h) Officer Ken Ramsey
- i) Officer Steve Ramsey

Orange County Sheriff's Department
550 N. Flower Street
P.O. Box 449
Santa Ana, Ca. 92702-0499


The following Orange County Sheriff's Department Patrol Personnel responded to the scene;

- a) Deputy R. Remmel
- b) Deputy L. McDonald

c) Reserve Deputy T. Adams

Orange County Fire Department
Fire Station #2
3642 Green Avenue
Los Alamitos, Ca. 90720
[REDACTED]

The following personnel from the Orange County Fire Department responded to the scene;

- a) Battalion Chief Mike McCoy
- b) Fire Captain Greg Bishop
- c) Fire Apparatus Engineer Mike Overton
- d) Fire Fighter Peter Hamborg
- e) Fire Fighter/Paramedic Pat McGinnis
- f) Fire Fighter/Paramedic Andy Weissenberger

Medix Ambulance Service
310 W. 1st Street
Tustin, Ca. 92680
[REDACTED]

The following personnel from Medix Ambulance responded to the scene;

- a) Driver Kyle Dahl
- b) Attendent Greg Benton

- 1. Sergeant Jim Sidebotham
Orange County Sheriff's Department
550 N. Flower Street
P.O. Box 449
Santa Ana, Ca. 92702-0499
[REDACTED]

2. Investigator Robert W. Russell
Orange County Sheriff's Dept./Homicide
550 N. Flower Street
P.O. Box 449
Santa Ana, Ca. 92702-0499
[REDACTED]

3. Investigator Raoul Ramos
Orange County Sheriff's Dept./Homicide
550 N. Flower Street
P.O. Box 449
Santa Ana, Ca. 92702-0499
[REDACTED]

4. Investigator Rudy Garcia
Orange County Sheriff's Dept./Homicide
550 N. Flower Street
P.O. Box 449
Santa Ana, Ca. 92702-0499
[REDACTED]

5. Investigator Hans Strand
Orange County Sheriff's Dept./Homicide
550 N. Flower Street
P.O. Box 449
Santa Ana, Ca. 92702-0499
[REDACTED]

6. Deputy Coroner Lorence J. Esslinger

**Orange County Sheriff-Coroner Dept.
1071 W. Santa Ana Blvd.
Santa Ana, Ca. 92703**



- 7. Lead Forensic Specialist Matt Johnson
Orange County Sheriff's Dept.
Forensic Science Services
320 N. Flower Street
Santa Ana, Ca. 92705**



- 8. Senior Criminalist Loren Sugarman
Orange County Sheriff's Dept.
Forensic Science Services
320 N. Flower Street
Santa Ana, Ca. 92705**



- 9. Corporal Victoriano NMN Cantu Jr.
Los Alamitos Police Department
3201 Katella Avenue
Los Alamitos, Ca. 90720-5601**



- 10. Officer Mark VanHolt
Los Alamitos Police Department
3201 Katella Avenue
Los Alamitos, Ca. 90720-5601**



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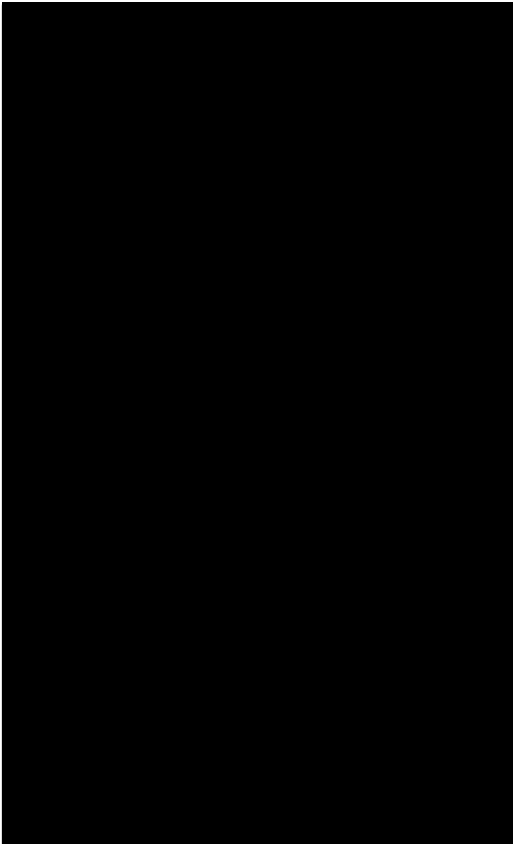
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SHERIFF'S DEPARTMENT
ORANGE COUNTY
SANTA ANA, CALIFORNIA

DR # 93-04064

BRAD GATES, SHERIFF-CORONER

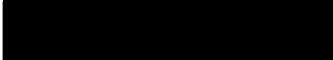
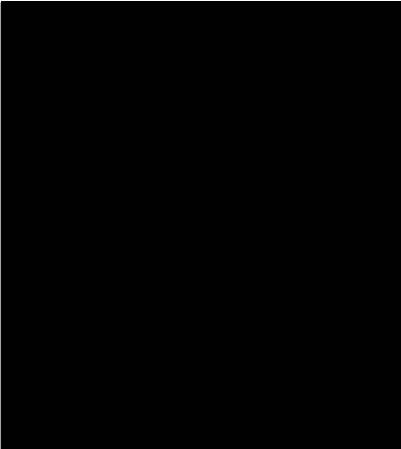
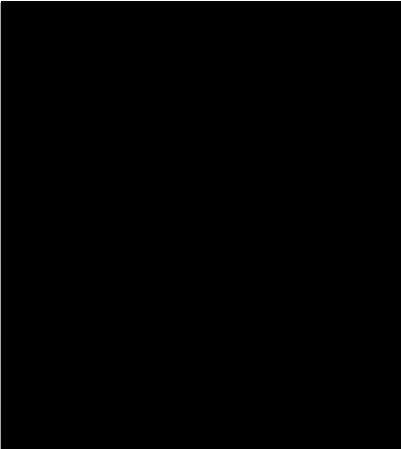
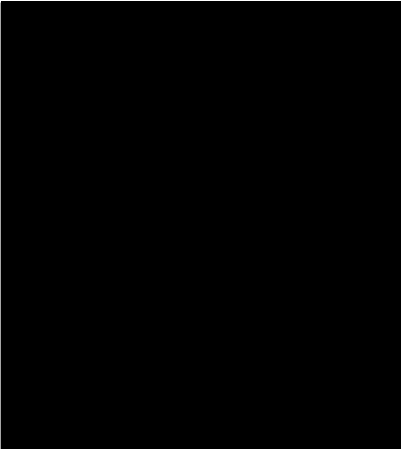
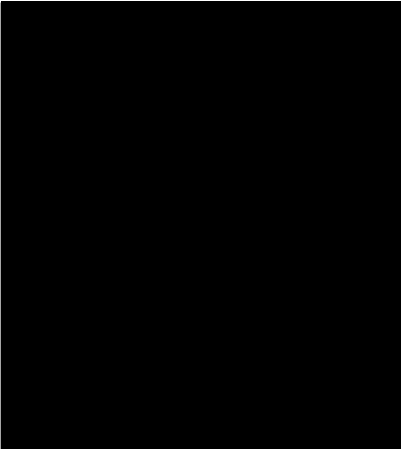
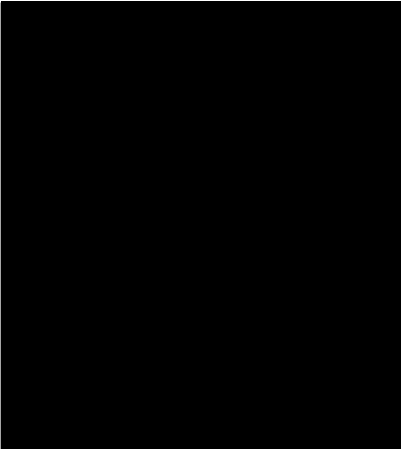
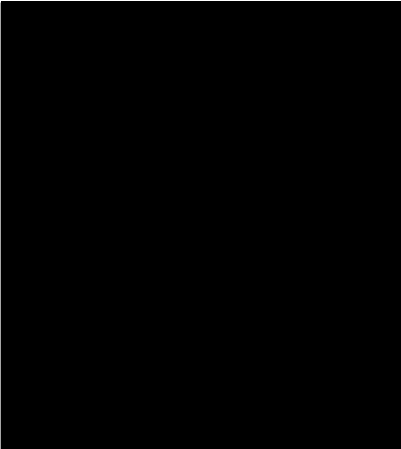
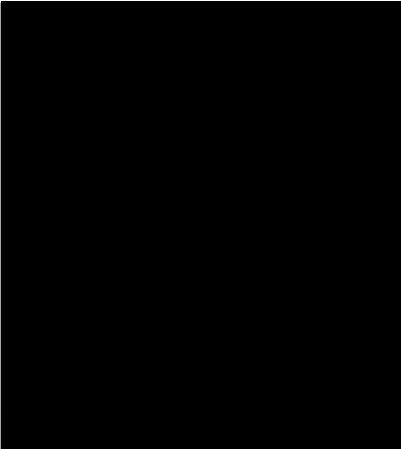
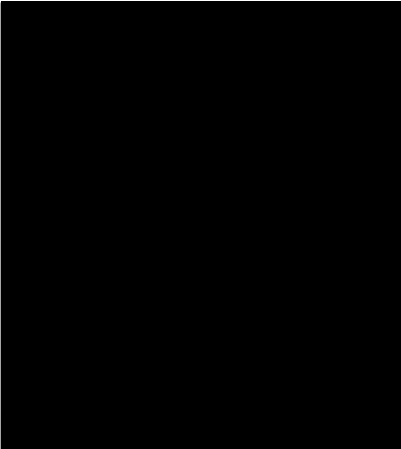
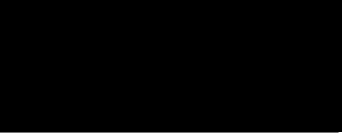
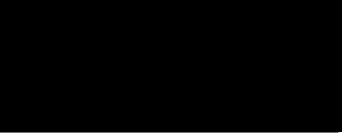
FOLLOW-UP CRIMINAL REPORT

OFFENSE: OFFICER INVOLVED SHOOTING	LOCATION: 3572 HOWARD AVENUE, APT.#4 LOS ALAMITOS	
VICTIM: CORPORAL VICTORIANO CANTU OFFICER MARK VANHOLT	DATE: SAT. 1-23-93	GRID: 796J3

DETAILS OF INCIDENT:

AUDIO/VIDEO TAPE LOG

(A)=AUDIO/(V)=VIDEO

- | | | |
|-----|---|---|
| 1. |  | 1-23-93/2135 hours (A) |
| 2. | CANTU, Victoriano NMN Jr. | 1-23-93/2247 hours (A) |
| 3. |  | 1-23-93/2035 hours (A) |
| 4. |  | 1-23-93/2035 hours (A) |
| 5. |  | 1-23-93/2125 hours (A) |
| 6. |  | 1-23-93/2300 hours (A) |
| 7. |  | 1-23-93/2330 hours (A) |
| 8. |  | 1-23-93/2039 hours (A) |
| 9. |  | 1-23-93/2136 hours (A) |
| 10. |  | 1-23-93/2204 hours (A) |
| 11. | Control 1 Red Channel | 1-23-93/1745 hours (A) |
| 12. | Los Alamitos P.D. Green Channel | 1-23-93 (A) |
| 13. |  | 2-01-93/1952 hours (A) |
| 14. |  | 2-01-93/2122 hours (A) |
| 15. | Los Alamitos P.D.
Dispatch Tape and Times | Video taped on 3-2-93
at 0900 hours. |

INV. R. RUSSELL #105/R. RAMOS #79

DATE: 3-10-93

APPROVED:SGT. J. SIDEBOTHAM #89

(X) INTERVIEW () CONVERSATION () TELEPHONE

NAME OF INTERVIEWEE: Victoriano NMN Cantu, Jr.

DATE/TIME OF INTERVIEW: Saturday January 23, 1993 2247 Hours

LOCATION OF INTERVIEW: Los Alamitos Police Department

CONDUCTED BY: Inv. B. Russell - OCSD - Homicide
Inv. R. Ramos - OCSD - Homicide

TRANSCRIBED BY: P.L. Christian - OCSD - Homicide

--***-- (DENOTES INAUDIBLE PORTIONS OF TAPE)

RUSSELL: Today is Saturday 1-23-93, the time is 2247. I'm Investigator Bob Russell, Orange County Sheriff's department. And I will be interviewing subject last name Cantu C-A-N-T-U, first name is Victoriano V-I-C-T-O-R-I-A-N-O, no middle name, Junior. Um, Vic is a Corporal with the Los Alamitos Police Department. And also present at the interview is, uh, Investigator Raoul Ramos with the Orange County Sheriff's Department. And Attorney Laila L-A-I-L-A, middle initial "C" Fernea F-E-R-N-E-A. Who is the attorney for, uh, uh, uh, Vic Cantu. Uh, the interview is taking place at, uh, the, uh, conference room at the Los Alamitos Police Department at 3201 Katella in Los Alamitos. Okay, Vic, uh, before we get started, I understand that, uh, this, uh, the statement you're about to make in this interview is all voluntarily being done on your part.

CANTU: Yes.

RUSSELL: Okay. Um, why don't you...today, uh, there was an incident that occurred, uh, sometime around our understanding, uh, 1748 hours. Why don't you, uh, where you and another officer responded, uh, to a call. Why don't you just go ahead and...and, uh, take it from there

and tell us, uh, what happened from the time you first got the call.

CANTU:

Okay. Um, I left the station after 5:00. Uh, we just come on duty, uh, I was in a one-man unit. I heard a call come out over the air to Officer VanHolt. Mark VanHolt. I was assigned the backup. Uh, the call was, uh, of, uh, arguing between a man and [REDACTED] at 3572 Howard, but there was no apartment given. Um, I was the first one to arrive at the scene. It took me about a minute to get there or less. Uh, I parked in front. I parked against the south curb with the car facing east. I got out of the car and I walked into a...an apartment complex at that address. All the doors...or excuse me. The apartment doors can be reached only from the west side of the complex. I walked through the, uh, complex gate located on the north side. As I walked in, um, I was met by a [REDACTED] held up four fingers on one of [REDACTED] hands and [REDACTED] told me that the disturbance was in apartment 4. [REDACTED] laughed...or I should say giggled. Uh, and [REDACTED] pointed for me to go further into the complex or south. I walked to the center of the complex. I imagine there's maybe eight (8) apartments there or less. And at the center of the complex, I could see a flight of stairs, um, leading from the base, west side. Uh, easterly up to the second deck. At the base of the stairs, I was met by a [REDACTED] who lives...well, [REDACTED] too, told me that it was upstairs in apartment 4. And [REDACTED] told me that [REDACTED] had heard the guy tell the [REDACTED] uh, this is not verbatim, but, um, "don't make me hurt you again." So with that, uh, I started to walk upstairs. I turned my radio as far down as I could turn it, but I...where I could still hear...hear, uh, hear it. And I waited...once I got almost to the top of the stairway, one or two steps down from the top, I waited for my backup. I didn't want my presence known. That's why I turned the radio

off...or...or down. I could see a peephole on the door to apartment 4 which is upstairs and, uh, the apartment north. Uh, I put my...my, uh, left ear close to the door so I...so I could hear what was going on just in case there was an actual assault taking place. I wanted to be able to hear it. But again, I didn't want to go in because I was by myself. So I waited.....

UNKNOWN: [REDACTED] is on the line for you. You want me to bring [REDACTED] back here or tell [REDACTED]...

FERNEA: Just tell [REDACTED] that I'm in a meeting.

UNKNOWN: Okay.

CANTU: ...so I waited, uh, and listened and I could hear a male's voice, an adult, uh, talking. And his comments were being answered by a [REDACTED] who was crying. I couldn't understand what [REDACTED] was saying because [REDACTED] was crying, but he was admonishing [REDACTED]. He was talking down to [REDACTED] is what it sounded like. Um, I can't remember exactly what he was saying, but it was words similar to what the [REDACTED] downstairs told me. I don't want to hurt you again. Or something to that effect. Um, there was no yelling, uh, so I assume there wasn't really an emergency to bust in, uh, to help the [REDACTED]. But I maintained the position until my partner got, uh, got there 'cause I was still by myself. Um, when Officer VanHolt got there, I heard his keys jingling behind me and I looked back and he was at the base...the [REDACTED] downstairs was also pointing up at him. And I saw him and I...and I told him...and I whispered "turn your radio down." He turned his radio down, he started to walk up. A [REDACTED] suddenly showed up at the base and started...not yelling, but out loud "don't open the door. Don't open the door." Unbeknownst to me, [REDACTED]
[REDACTED] I told that [REDACTED] uh, I...actually, I...I shooed [REDACTED]. In other words, I went "shhh"...don't, you know, keep your voice down...

RUSSELL: Um-hum.

CANTU: ...as softly as I could. Once my partner got up there, I

returned my ear to the door to see if I could hear what was being said inside. Um, and I suspected that there was...because [REDACTED] was crying, I suspected that maybe...just maybe, that he had assaulted the [REDACTED]. So anyway, I...I couldn't hear because the [REDACTED] downstairs was still talking and [REDACTED] had a loud voice. So what I did is I went...walked up the final one or two steps. Uh, I positioned myself as far away east of the door as I could, but I couldn't go any further because of the wall being there. Uh, Officer VanHolt stayed about one or two steps down. There was room enough for both of us up there, but then again there really wasn't and I'm talking about officer safety, in my opinion. So what I did is I...I moved my back to the east wall at the top of the stairway and I knocked four or five times. Real loud.

RUSSELL: Before...Vic, before we, uh, I want to kind of get myself oriented here. Okay, here's the, uh, I...I just went up there real fast to get a look and it's real, I know it's real small. Okay. And this...this is the door here?

CANTU: No. Don't, you've got a "T" here, but it isn't. It runs up like that.

RUSSELL: Oh, okay.

CANTU: This is the door. Assuming this is north, this is the doorway and it opens this way.

RUSSELL: Right. And then this is what you're calling...and so this is what you're calling the east wall.

CANTU: This is the east wall.

RUSSELL: You were over here, okay?

CANTU: It's at the top...

RUSSELL: Okay.

CANTU: ...the top of the stairway.

RUSSELL: Okay.

CANTU: Okay. So when I positioned to get my back, or...or my right side or almost my whole back against the...the east wall, I knocked on the door, loud. And then I covered the peephole with my gloved hand. I didn't want the guy to be able to look out and see it was a police officer there.

There was no answer...a verbal answer, but I heard the door start to open within a few seconds after I knocked. I saw a guy open the door and he was crouched. And...and he...when he opened the door, he opened it about, maybe, 18 inches. Maybe 18 inches. And he was crouched. And I could see about half of the right side of his body, the upper torso and down to his waist. His right hand...I couldn't see his left hand. His right hand was cocked behind his back in this fashion. With the right hand about the waist. Okay, but behind his back. I said "hello" or whatever I said. "Hi, there. Howdy." Or whatever I said. And I started to say something else, but he...we made eyeball contact...I saw his hand and it scared the hell out of me. The first thing I said after that is I told him "I want to see your hand. Show me your hand. Let me see your hand." He looked at me. He looked at Mark. He looked at me. He looked...he looked back and forth. He looked back behind him. And not really turning his face a lot, but kind of moving his eyeballs all over the place. Then he brought his right hand out and he had a chrome plated or, uh, light metal automatic, maybe a .32 automatic in his right hand and his finger was on the trigger. And he was bringing it up and then he started to force the door, but when he brought it, he brought it up this way and he was aiming it towards my partner. I...I...I don't remember if I said anything else, but I punched the door, hit the door or I kicked the door. I don't know what I did because he was against the door so I was going to push him. Because...I mean, here was the threat of the gun. I did hit the door, he started to close it some more and I backed out. By this time, I'm pulling my service, uh, weapon out. The gun is still pointed at my partner...or in the direction of my partner, and at that point I'm backing up and I hit the wall on the side and scraped my right elbow. And I hit the door behind me and I fired 4 or 5 times through the wall...excuse me, through the door where I thought his

body would be. Um, I heard, uh, I stopped...I stopped firing and I heard, uh, several shots. I thought he was shooting at me and I kept trying to melt into the wall if you will. The, uh, the east wall. Um, and as I looked down I see my partner who was still below me. The door has sprung fully open and I can see...I'm looking in, I'm trying to find where this guy is. And I'm aiming my gun, my partner's firing, uh, from my left to my right in the direction that he last disappeared from my sight. And then I could see the bottom of his feet laying on the ground. His...his, uh, let's say from the calf's down, um, laying on the ground. Uh, with the body was on...on...on it's front. On it's chest. Face down. Excuse me. Uh, my partner stopped shooting, uh, when I saw he was down, I started to come in, uh, and I've got my...my service weapon in my right hand. I'm aiming at...in the direction of the, uh, the person, this male. Uh, and I walk in. As I walk in, I see him down with his hands underneath his chest. He's got his face, uh, laying...excuse me. His head is laying on his left cheek. He's moaning, I see the gun, uh, within arms reach of him. I holstered my weapon. I, uh, lunged at his back. I slipped, I fell on my knee, but I landed partially on top of him. And I grabbed his hands, brought 'em up and I handcuffed him. And I stayed with him holding on to, uh, one of his wrists in that position. He kept looking up at me. He was moaning, but he kept looking up at me, uh, over his right shoulder. And, uh, I kept telling him "don't move. Don't move." All of a sudden [REDACTED] shows up, I think from another bedroom. From...excuse me, another part of the apartment. And [REDACTED] starts screaming "help [REDACTED] he's hurt," something...or words to that effect. "Help him he's hurt." [REDACTED] uh, [REDACTED] lost it completely, but [REDACTED] just screaming. Uh, Officer VanHolt took [REDACTED] went down to [REDACTED] knees, [REDACTED] sat on the carpet. He stayed next to [REDACTED]. He tried to assure [REDACTED] that it...that...that we'd take care of [REDACTED].

I stayed with...with the guy and we kept the gun between us. Um, I heard Officer VanHolt, uh, calling, uh, a 998 over green. I heard no response, but [REDACTED] was yelling so loud I went on red channel, while still sitting on top of the guy's, uh, butt, and I called red channel 998. I heard control one respond. I don't remember what they said. Uh, then I heard my partner, uh, calling for paramedics and an ambulance. Uh, he called for our sergeant. Uh, uh, then we waited and within minutes paramedics arrive, other officers arrive, uh, we told 'em we were okay. Paramedics came in. I uncuffed the suspect. I moved out of the way, but I stayed close to the gun. I kept my foot between me and the paramedics and the suspect. Excuse me. I kept my foot between the gun and the suspect and the paramedics. Um, eventually I was ushered out and we were, uh, brought back to the police station. Uh, and, uh, that's about it.

RUSSELL: Okay. Did, uh, was the [REDACTED] handcuffed?

CANTU: I don't know. There was a little, uh, counter that separated the...the kitchen, where he wound up on the ground, and the living room. And when [REDACTED] went down, [REDACTED] went down behind that so I couldn't see.

RUSSELL: Okay.

CANTU: Uh, I...I could see all of Officer VanHolt and I could see part of [REDACTED] head, [REDACTED] hair, but I couldn't see [REDACTED] body.

RUSSELL: Okay. So, uh, basically, then the reason, uh, when you went upstairs there...the reason that you, uh, did you...you covered the peephole it was for officer safety type.

CANTU: Yes.

RUSSELL: Because of the conversation you heard going on inside. You didn't know what...what you had inside?

CANTU: Correct.

RUSSELL: And you didn't want anybody looking out and seeing you standing in that small area.

CANTU: It was very crowded. That's correct.

RUSSELL: Um, when you knocked on the door, did you use your hand?

CANTU: Yes, I used the, uh, the middle knuckle...knuckles of my right hand.

RUSSELL: Okay. And how many times did you knock?

CANTU: I think about four and possibly five.

RUSSELL: Okay. Loud?

CANTU: That loud.

RUSSELL: Okay. Was...and there was no response?

CANTU: There was no verbal response, but within seconds I heard the doorknob starting to...you know, the metal sounds you hear when you start to crank it open?

RUSSELL: Um-hum. Okay. Then when the door opened you saw a guy crouched. When you say "crouched" was he...was he down on his knees do you remember?

CANTU: No. No. All he was...he was...he opened the door and braced it against him. It was hitting him here. He had his face out like this and he was crouched about...about like this. But he had this hand like this. And when he opened it, he was facing me like this, but he had this on the door.

RUSSELL: Okay.

CANTU: Okay. And he opens the door this way. His...his right hand is back here and I can see the elbow and that's why I said I want to see some hands. I want to see your hands.

RUSSELL: Back...back in the small of his back?

CANTU: On the small of his back.

RUSSELL: Okay. Where was the lighting? Was there a light on there in the, uh...

CANTU: Yes.

RUSSELL: ...little vestibule?

CANTU: Yes. It was good lighting. It was good lighting coming from inside the apartment, also.

RUSSELL: Okay. There...when...when he opened the door, you say about 18 inches, what...other than him, what else did you observe?

CANTU: I saw nobody behind him. Uh, I saw the wall behind him that...that separates, I imagine, the bedroom area.

RUSSELL: Okay.

CANTU: And the living room, uh, there was another...

RUSSELL: So the door was open enough so that you could see inside the apartment?

CANTU: Yes.

RUSSELL: It was opened...that wide ---**---

CANTU: Wide enough for me to see...I mean, obvious...only so much. But, uh, now, I couldn't see the [REDACTED] uh, period. I couldn't see nobody else other than him.

RUSSELL: Okay. Did he make...did he make...when you opened the door, did he see you?

CANTU: Yes.

RUSSELL: Did he say anything?

CANTU: No. He said absolutely nothing.

RUSSELL: Okay. Did you, uh, identify yourself? Or did you...you were in full uniform; is that correct?

CANTU: I was in full uniform.

RUSSELL: And it was well lighted.

CANTU: It's well lit.

RUSSELL: Did you have your gun out at that time?

CANTU: No. It was holstered.

RUSSELL: Okay. And then that's when you didn't see his hands. Or you told him that you want to see his hands.

CANTU: I said hello first. Whatever I said. Howdy is my normal...my normal...

RUSSELL: Okay. But he didn't say anything back to you.

CANTU: He said absolutely nothing other than to eyeball me and eyeball my partner.

RUSSELL: So he could see your partner from where he was?

CANTU: He was looking in...in his direction.

RUSSELL: Okay. So he...so he fired it would have been somewhere on the stairway here?

CANTU: Yes. Uh, either the first step down or the second.

RUSSELL: Okay.

CANTU: He was...he was maybe...his head was about that far below mine.

RUSSELL: Okay. Um, and you...and then, uh, when you ordered 'em to

take his hand out, you wanted to see his hand, what did he do? Did he say anything at anytime when you were giving him, uh...

CANTU: He made absolutely...he...no remarks, no statements, no words. Nothing. He just merely eyeballed me. Eyeballed towards or in the direction of my partner. Eyeballed in the direction of...of the area to...immediately to his right rear. He turned his vision to me, he turned his vision to my partner. Uh, I started telling him "I want to see some hands. Let me see your hand. Let me see your hand." I insisted on it.

RUSSELL: Okay.

CANTU: And, uh, I started to back up and that's when he started to draw it. And, uh, he started to close the door and he was bringing the gun up and I...it just scared the shit out of me.

RUSSELL: Okay. So...

CANTU: So I hit it. I don't know...I don't remember if I pushed with my left hand, I don't know if I kicked. I don't know what I did. I know I hit the door. And I hit the door because I saw the gun coming. And since he was against the door, uh, I mean, I had nowhere to go.

RUSSELL: Yeah.

CANTU: And, uh, and that's when I drew my weapon. Um, I remember taking the safety off. And I remember still seeing the gun. And I remember pulling the trigger and trying to aim to where I thought his torso was.

RUSSELL: Through the door?

CANTU: Through the door. ---*---

RUSSELL: Could you...at that point could you see him? At the time you fired, did you see...had he...had he withdrawn behind the door?

CANTU: When I started to shoot, I saw him.

RUSSELL: Okay.

CANTU: But whether he was still...no. I don't think he was still there when I finished shooting him, no. 'Cause the door came open somehow. I don't know how it came open. I

didn't shove it open.

RUSSELL: Okay.

CANTU: My partner didn't shove it open, but it came open. Full. Now I've got full view and like I said, I was leaning kind of, uh, away from the east wall. I was leaning more into the open area and I was aiming my gun in. Uh, I was stretching my right hand out and my weapon was pointing in the direction that I last saw him move. And then I could see his feet. And, uh, and my partner was shoot...I thought he...I thought the suspect was shooting back at me, but I think it turned out that it was my partner shooting at him.

RUSSELL: You heard other shots?

CANTU: Yes.

RUSSELL: How many other shots did you hear other than...you said you fired four or five times. How many shots, if you recall, do you...did you hear?

CANTU: Four, five, six. I don't know. It was...there were several in succession.

RUSSELL: Okay.

CANTU: Uh, and then when we stopped, we stopped completely.

RUSSELL: Okay.

CANTU: Uh, and like I said, once he...once it was over...once he stopped shooting, uh, then I went in and then that's when I pounced on him and I handcuffed him.

RUSSELL: Did he ever make any...any com...statements or anything whatsoever?

CANTU: Other than groaning or moaning sounds and looking at me over his right shoulder, he said absolutely nothing.

RUSSELL: Okay. After he was, uh, kind of down a little bit and like you say "crouched" and he had his hand...and his arm was back and his hand in the small of his back. Where ever he had it back there. And...and when you first saw him, the door was open about 18 inches. Then you say he tried to close the door?

CANTU: It appears that he tried to close the door.

RUSSELL: Did you actually see the door start to shut?

CANTU: Yes.

RUSSELL: Okay.

CANTU: Right. But at the same time that that's occurring...

RUSSELL: He's bringing his hand up?

CANTU: He's bringing...he's bringing...the gun is coming at...it's not coming up fast. It's coming up deliberate and...and it's going in the direction of where Mark was standing.

RUSSELL: Okay.

CANTU: 'Cause he could see him. And, uh...

RUSSELL: Did you make...did you tell your partner anything. Did you say "Hey, he's got a gun."

CANTU: No.

RUSSELL: Okay.

CANTU: I was also in fear for my own safety. So I drew and...

RUSSELL: Okay.

CANTU: ...and I aimed to where, like I said, to where I thought his torso was and I pulled the trigger.

RUSSELL: Okay. And then the reason you did fire is because you thought he was gonna...you were in fear of your, uh, for your life...

CANTU: For both of us. My partner and myself.

RUSSELL: Okay. Did he...do you remember at all, did he...did he fire a round do you know?

CANTU: I don't know.

RUSSELL: Okay.

CANTU: I...when I...I kept hearing shots and I thought he was shooting back at us.

RUSSELL: Okay.

CANTU: So I'm also pressing, like I said, I was trying to melt into that east wall. And I...and...and, but then I looked down and I saw my partner shooting back. Or in the direction of the suspect.

RUSSELL: Okay.

CANTU: But whether he fired shots or not, I don't know. And to be honest with you, the...the...the sounds I heard may or may not have been his. I don't know. But the sounds I

heard sounded, uh, not as loud as mine when mine went off. I've got a .45. I think he was carrying either a .32 or a...I don't know. .30...9 millimeter. Whatever the heck it is. It was smaller than mine. I know that.

RUSSELL: Okay. You guys carry .45's?

CANTU: Yes.

RUSSELL: Okay. [REDACTED]

RAMOS: You said that he, uh, the subject appeared to be making eye contact with you and your partner? Or was he just looking in your direction?

CANTU: No. He made eye...he made eyeball contact with me first.

RAMOS: Okay.

CANTU: I mean, it was like, you're looking at me now.

RAMOS: Um-hum.

CANTU: That kind of contact.

RAMOS: Okay. Did...did, uh, in his eyes, did you see any kind of look of fear or, uh, I'm trying to think of, um...like he was excited or agitated or did he appear to be under the influence of anything?

CANTU: No. I couldn't tell you that.

RAMOS: I mean, you know...

CANTU: He appeared surprised. He appeared surprised. That's all I can tell you. I mean, whether that's a look of anger or not, I don't know. But I mean, when...when he looked at me...at first, you know..."howdy" is what I said. And I was expecting a response back. And when he just looked at me and said nothing, and then he eyeballed my partner and then back to me and then looked back over there and then I saw the...the hand. Then my...then my brain starts to moving. Then I start asking him "well, I want to see some hands, man. Let me see that hand. Let me see that hand." And boy his eyes just...from Mark and me. Just like this. But just moving the eyes. And then when he started to bring the gun out...now whether the closing of the door was the reaction of him bringing the gun out like this or not, I don't know. But the door did start to come close. Or to start to close. And it was at that point that I

either kicked it or pushed it or...but I was backing up...

RAMOS: Uh-huh.

CANTU: ...and that's when I drew down.

RAMOS: Okay.

RUSSELL: You remember what he was wearing?

CANTU: No. Absolutely not.

RAMOS: And you said his finger was in the trigger?

CANTU: Um-hum.

RAMOS: You remember focusing on that?

CANTU: Yes.

RAMOS: Okay.

RUSSELL: When you saw the gun, did you tell him to drop the gun or put the gun down?

CANTU: I don't remember.

RUSSELL: Okay.

CANTU: I don't remember.

RAMOS: Do you recall if either one of you ever, um, stated that you were the police or Los Alamitos P.D. or anything like that?

CANTU: No. I didn't say it.

RAMOS: Okay.

CANTU: Uh, it was "howdy." And then everything just sets in motion. And to be honest with you, that other thing...I was in that place, that little corner. I mean, when I fired the first round it was like ringing a bell in my ear. Man, it was loud.

RAMOS: Okay.

CANTU: So whether Mark said anything or not I don't know.

RAMOS: You don't know.

CANTU: Huh-uh.

RUSSELL: When you, uh, when you, uh, in your uniform, you were in full uniform which is what, dark blue? You guys wear dark blue?

CANTU: Dark blue uniform.

RUSSELL: You have a badge?

CANTU: A gold badge.

RUSSELL: Shield?

CANTU: My name tag, which is gold, over, uh, my...my right chest. Badge over the left heart. Over the left, uh, chest. Uh...

RUSSELL: Shoulder...shoulder patches.

CANTU: Shoulder patches which are grey. Light grey. Uh, my stripes which are white. Uh, my belt. My gun on my right. My baton and my radio over my left hip.

RUSSELL: You have a baton? Is...is it...you guys use the different baton that, uh...

CANTU: I've got a straight baton.

RUSSELL: Straight?

CANTU: Yeah.

RUSSELL: Okay.

CANTU: It was in the ring. Uh, I had a flashlight in my left rear pocket. Uh, my flashlight, uh, pocket.

RAMOS: And VanHolt was similar...similarly dressed?

CANTU: Yes. Only difference is I'm a little hairier than he is.

RAMOS: Okay.

RUSSELL: Okay. Anything else you can think of, Vic, that we haven't talked about?

CANTU: No.

RUSSELL: Okay. We'll go ahead and end the interview then. The time is 2315.

(END OF INTERVIEW OF VICTORIANO CANTU, JR.)

LOS ALAMITOS POLICE DEPARTMENT
NARRATIVE REPORT

PAGE # 1

CASE: 93-0155

THE FOLLOWING REPORT IS BEING WRITTEN PURSUANT TO ORDERS GIVEN BY COMMANDER BIGGERSTAFF.

AT APPROX. 1741 HRS, 01-23-93, MYSELF AND CPL. V. CANTU WERE DISPATCHED TO 3572 HOWARD IN REFERENCE TO DISTURBANCE IN AN UNKNOWN APARTMENT. CPL. CANTU HAD ARRIVED SHORTLY BEFORE I DID AND WHEN I ARRIVED I PARKED MY MARKED PATROL CAR DIRECTLY BEHIND HIS ON HOWARD ST, ALMOST DIRECTLY IN FRONT OF THE APARTMENT COMPLEX.

I WALKED DOWN THE WALKWAY ON THE WEST SIDE OF THE COMPLEX LOOKING FOR CPL. CANTU. I SAW CPL. CANTU STANDING AT THE TOP OF A STAIRWAY AND I WALKED UP THE STAIRWAY TO MEET HIM. CPL. CANTU TOLD ME HE HAD BEEN LISTENING AND THE ARGUMENT WAS COMING FROM APARTMENT NUMBER FOUR.

CPL. CANTU THEN KNOCKED ON THE DOOR OF APARTMENT NUMBER FOUR, LOUDLY. THE DOOR OPENED PARTIALLY AND I COULD SEE THE UPPER TORSO AND FACE OF A MALE SUBJECT. THE SUBJECT LOOKED OUT THE DOOR AT ME AND CPL. CANTU. CPL. CANTU THEN TOLD THE SUBJECT THAT HE WANTED TO SEE HIS HANDS. CPL. CANTU MADE THIS REQUEST SEVERAL TIMES.

THE MALE SUBJECT THEN ATTEMPTED TO SHUT THE DOOR AT WHICH TIME CPL. CANTU PUSHED ON THE DOOR. AS THE DOOR OPENED SLIGHTLY, I COULD SEE THAT THE SUBJECT WAS HOLDING A SILVER OR CHROME COLORED HANDGUN IN HIS RIGHT HAND. AS THE DOOR WAS BEING OPENED THE MALE SUBJECT WAS RAISING THE GUN AND POINTING THE GUN DIRECTLY AT ME.

FEARING FOR MY LIFE, AND THE LIFE OF CPL. CANTU, I UNHOLSTERED MY SERVICE REVOLVER AND BEGAN FIRING AT THE SUBJECT. CPL. CANTU HAD ALSO UNHOLSTERED HIS SERVICE WEAPON AND WAS ALSO FIRING AT THE SUBJECT.

THE DOOR THEN OPENED COMPLETELY AND CPL. CANTU AND I ENTERED THE RESIDENCE. I SAW A MALE SUBJECT LYING ON THE FLOOR BEHIND THE DOOR AND CPL. CANTU WENT TO DETAIN AND DISARM HIM. THERE WAS A [REDACTED] IN THE FRONT ROOM AS WE ENTERED WHOM I DETAINED UNTIL ADDITIONAL OFFICERS ARRIVED FOR ASSISTANCE.

REPORTED BY: *Mail U. H-J*
DATE *1-23-93*

REVIEWED BY:
DATE

LOS ALAMITOS POLICE DEPARTMENT

P.I. # 93-0155

PEACE OFFICER BILL OF RIGHTS

- 3303(b) YOU HAVE THE RIGHT TO KNOW WHO WILL BE CONDUCTING THIS INTERVIEW
- 3303(c) YOU HAVE THE RIGHT TO KNOW THE NATURE OF THE INVESTIGATION PRIOR TO ANY INTERROGATION.
- 3303(h) YOU HAVE THE RIGHT TO HAVE A REPRESENTATIVE OF YOUR CHOICE PRESENT DURING THE INTERVIEW.
- 3303(f) YOU HAVE THE RIGHT TO TAPE-RECORD THIS INTERVIEW WITH YOUR OWN PERSONAL TAPE RECORDER.
- 3303(f) SHOULD IT BECOME NECESSARY TO INTERVIEW YOU A SECOND TIME REFERENCE THIS INVESTIGATION, A COPY OF THIS INTERVIEW WILL BE MADE AVAILABLE TO YOU PRIOR TO THE SECOND INTERVIEW.

Mark A. V. Hunt
Signature of Person Interviewed

7-16-93
Date

Dennis Sweany
Signature of Interviewer

7-16-93
Date

LOS ALAMITOS POLICE DEPARTMENT

P.I. # 93-0155

MIRANDA WARNING

1. YOU HAVE THE RIGHT TO REMAIN SILENT. (DO YOU UNDERSTAND?)
2. ANYTHING YOU SAY MAY BE USED AGAINST YOU IN COURT. (DO YOU UNDERSTAND THAT?)
3. YOU HAVE THE RIGHT TO AN ATTORNEY BEFORE AND DURING ANY QUESTIONING. (DO YOU UNDERSTAND?)
4. IF YOU CAN NOT AFFORD AN ATTORNEY, ONE WILL BE APPOINTED FOR YOU BEFORE QUESTIONING. (DO YOU UNDERSTAND THAT?)

EXPRESSED WAIVER: CAN WE TALK ABOUT WHAT HAPPENED?

LYBARGER ADVISEMENT

_____, IN THE EVENT THAT YOU REFUSE TO WAIVE YOUR MIRANDA RIGHTS, AND ACCORDING TO THE LYBARGER VS. LOS ANGELES DECISION, WE MUST ADVISE YOU THAT THE INTERVIEW AT THIS POINT WILL BE ADMINISTRATIVE, AND NO PART OF THE INTERVIEW OR INFORMATION THAT IS DERIVED FROM THIS INTERVIEW MAY BE USED IN A CRIMINAL INVESTIGATION. HOWEVER, AT THE SAME TIME, SINCE THIS IS ADMINISTRATIVE, I MUST REMIND YOU THAT YOU MUST ANSWER THE QUESTIONS AND, SHOULD YOU REFUSE TO ANSWER ANY OF THE QUESTIONS, THAT AT SOME FUTURE DATE YOU MAY BE CHARGED WITH INSUBORDINATION. DO YOU UNDERSTAND THAT?

X Mark C. V. Hart
Signature of Person Interviewed

7-16-93
Date

Los Alamitos Police Department

July 19, 1993

Memo To File

Administrative Service of Officer Involved Shooting 1/23/93

After review of all investigative reports, witnesses statements, and evidence involving the on duty officer involved shooting incident that occurred on January 23, 1993, I have concluded that the shooting was within the policy of the Los Alamitos Police Department.

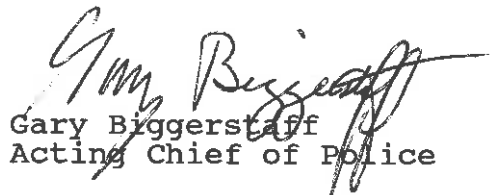
Section 2.3.5 states, that an officer may use "deadly force in the defense of life or that of another when there is imminent danger."

Evidence indicates that the decedent answered the door while carrying a fully loaded and cocked 9mm automatic handgun and pointed the weapon in a threatening manner at the officers. After warning the decedent several times the officers fired in defense of their own lives using Department approved weapons and ammunition.

Both officers stated in their interviews that they believed the decedent was going to shoot them and their action was in self defense.

Their actions are supported by physical evidence and independent witnesses while no substantial evidence indicates otherwise.

The official findings in the matter determine that the action of Officers Vic Cantu and Mark VanHolt acted in a reasonable manner and within Department policy.


Gary Biggerstaff
Acting Chief of Police

LOS ALAMITOS POLICE DEPARTMENT

TO: Gary Biggerstaff, Acting Chief of Police
FROM: Duane Swearingen, Lieutenant
SUBJECT: Administrative Investigation
DR# 93-0155

SUMMARY OF INTERVIEW

On July 16, 1993 at approximately 0927 hours, I interviewed Mark Van Holt at the Los Alamitos Police Station. Also present was Van Holt's attorney, Diane Vasquez. This interview was tape recorded. The following is a summary from that interview.

Van Holt stated on January 23, 1993 his shift started at 1700 hours. He said it was a normal day at work and he was not tired or fatigued. He stated he and Corporal Cantu were on duty in full uniform, driving marked police cars, and assigned to patrol.

Van Holt said on January 23, 1993 at approximately 1741 hours, he and Cantu were dispatched to 3572 Howard in regards to a family disturbance. He stated he received all of the information about the call from dispatch and he does not recall if dispatch advised him it was a 911 call. He said he was not aware of any prior disturbance calls from the location, therefore, there was no reason for heightened fear from this call.

Van Holt stated Cantu had arrived at the location first. He said he was in the area of Farquhar and Los Alamitos Boulevard, when he heard Cantu arrive at the complex. He stated when he arrived that he saw Cantu's police unit parked in front of the apartment complex. He stated he parked his patrol unit behind Cantu's.

He said he got out of his car and walked on the west side of the complex, looking for Cantu. He stated during this time that he did not see, nor did he talk with anybody.

Van Holt said he walked to the mid point in the complex where he saw approximately thirty stairs leading to the second level. He stated he looked up the stairs and saw Cantu at the top of them. He said Cantu saw him and he put his finger on his

lips, indicating for him to be quiet. He stated it appeared that Cantu was listening to what was going on inside of the apartment.

Van Holt stated that as he walked up the stairs, he turned down his handheld radio. He said the lighting in this area was good. He stated as he got to the top of the stairs, he found Cantu standing on the top stair. He said Cantu pointed to the apartment, #4, saying "that's where the disturbance is coming from". He (Van Holt) said he advised dispatch the apartment number via his handheld radio. He stated he and Cantu listened for a disturbance inside the apartment for approximately 10 to 15 seconds, when he saw a [REDACTED] at the bottom of the stairs. He said he did not know what [REDACTED] wanted, but he motioned for [REDACTED] to leave with his hands, at which [REDACTED] complied. He stated he did this for [REDACTED] own safety because family disturbances can become volatile.

Van Holt said after listening, Cantu walked from the stairs to the landing and took a position on the east side of the door. He stated he moved up the stairs where Cantu had been with one foot on the first step and the other foot positioned on the second step. He said this position made him lower than Cantu. He said he saw Cantu put his finger over the eye piece in the door. He stated this is done for officer safety reasons, in that, the occupants cannot see where the officers are standing.

Van Holt stated Cantu knocked on the door 4 or 5 times and he thought he knocked this many times because of the television or radio noise coming from inside the apartment. He said he did not hear any other noise coming from inside the apartment during the time that he was there. He stated he did not hear Cantu say anything during this time.

Van Holt said it was approximately 10 to 20 seconds before the door was opened. He stated the door was only partially opened, approximately 8 to 10 inches. He said when the door opened, he thought he heard Cantu say "howdy or hello", but he is not sure. He stated at this time he could not see the subject because he was standing upright on the west side of the door and he did not want to stand in front of the door.

Van Holt stated at one point he heard Cantu tell the subject he wanted to see his hands. He said this keyed him to lean forward because hands kill policemen and apparently the subject was refusing to show his hands. He stated as he leaned forward he could see a male white subject bent over or on his knees, looking out behind the door. He said he could not see the

subject's hands or arms, but that he could see the subject's head, neck, and right shoulder. He states the subject was well concealed behind the door. He said this concealment behind the door heightened his fear for his safety. He stated the subject's head was in full view and it was forward of the door to where he could look both ways and see each officer, but his hands were concealed.

Van Holt said the subject looked at him and Cantu alternately. He stated he looked at them at least 2 times each. He said there was no doubt in his mind the subject knew that they were policeman because of the way that he looked at them. He stated Cantu continued his demands to see the subject's hands. He said he does not know how many times Cantu requested to see the subject's hands, but it was numerous.

Van Holt stated his weapon was still in its holster, but since the subject was refusing to show his hands he was becoming more cautious and he had put his hand on his gun, as Cantu kept asking "let me see your hands, let me see your hands", but he refused.

Van Holt said his attention was drawn to the subject because it appeared that he attempted to close the door, and it appeared Cantu had pushed it open. He stated that he was so concentrated on the subject he really did not know what Cantu was doing. He said when the door swung open he saw that the subject had a silver or chrome handgun in his extended right hand. He stated the subject brought the gun up and pointed it at his chest. He said at this point, he felt he was going to be shot by this man. He stated he withdrew his handgun from his holster, in order to defend himself, when he heard a gunshot. He assumed the subject had fired at him and he wondered why he had not been hit. He said he was approximately 3 feet from the subject. He stated he began firing his handgun at the subject until he discharged all of the rounds in his gun and magazine.

Van Holt stated the door swung open while he and Cantu entered the apartment. He said he saw the male subject lying on the kitchen or dining room floor, with a [REDACTED] screaming at the south/west corner of the dining room. He stated Cantu went to the male subject on the floor and to the best of his knowledge, Cantu handcuffed the subject. He said as he entered the apartment he saw a cocked handgun on the floor between the dining room and living room floor. He stated it was just inside the doorway and he was very conscious not to move it.

Van Holt said that as he approached the [REDACTED] in the dining

room, he pointed his handgun at [REDACTED] and asked [REDACTED] to come from the corner. He stated he did this for officer safety reasons because he did not know if [REDACTED] was armed and he wanted to contain [REDACTED] so he could make sure there was nobody else in the apartment. He said [REDACTED] walked to him where he holstered his weapon and handcuffed [REDACTED] for the above reasons. He stated [REDACTED] was very upset, crying, and screaming, but he tried to calm [REDACTED] by telling [REDACTED] it's alright and that [REDACTED] was not under arrest. He said he sat [REDACTED] on the living room floor and he started to search the apartment for others, when [REDACTED] began moving towards Cantu and the gun on the floor. He stated the handgun was approximately 3 to 4 feet from [REDACTED] so he returned to [REDACTED] where he knelt next to [REDACTED]. He said he maintained a position where he could see the rest of the apartment in case someone came out.

Van Holt stated the [REDACTED] continually cried, saying, "help [REDACTED] help [REDACTED]". He said he continued to tell [REDACTED] "the paramedics are coming". He stated Cantu stayed with the male subject until the paramedics arrived. He said he did not know if Cantu performed first aid on the male subject because he was more concerned about protecting him from others who might have been in the apartment.

Van Holt said that as other officers arrived, he gave the [REDACTED] to them and told them [REDACTED] was not under arrest, to uncuff [REDACTED] and remove [REDACTED] from the scene. He stated a few minutes later Sergeant Farris arrived and took control of the crime scene. He said that he and Cantu were removed from the scene and taken to the Los Alamitos Police Station. He stated he and Cantu did not discuss the incident that night, however, he said they have discussed the incident prior to this interview. He stated they have never discussed the details of the incident, but only how they possibly saved each other's life.

Van Holt stated family disturbances are the most dangerous calls for officers to respond to because everybody is upset and they very often turn on the officers, using weapons and hands physical force to hurt or kill them. Also, he said that many times alcohol or drugs are involved and make these calls very unpredictable. He states they are probably the most unpredictable calls because officers do not know what weapons might be in the house in this day and age of increased popularity and possession of handguns by the public.

CONCLUSION

After reviewing all statements and investigative reports, I find the officer involved shooting that occurred on January 23, 1993 at approximately 1741 hours to be within the shooting policy of the Los Alamitos Police Department.

LOS ALAMITOS POLICE DEPARTMENT
NARRATIVE REPORT

PAGE : 1

CASE: 93-0155

THE FOLLOWING REPORT IS BEING WRITTEN PURSUANT TO ORDERS GIVEN BY COMMANDER BIGGERSTAFF.

AT APPROX. 1741 HRS, 01-23-93, MYSELF AND CPL. V. CANTU WERE DISPATCHED TO 3572 HOWARD IN REFERENCE TO DISTURBANCE IN AN UNKNOWN APARTMENT. CPL. CANTU HAD ARRIVED SHORTLY BEFORE I DID AND WHEN I ARRIVED I PARKED MY MARKED PATROL CAR DIRECTLY BEHIND HIS ON HOWARD ST, ALMOST DIRECTLY IN FRONT OF THE APARTMENT COMPLEX.

I WALKED DOWN THE WALKWAY ON THE WEST SIDE OF THE COMPLEX LOOKING FOR CPL. CANTU. I SAW CPL. CANTU STANDING AT THE TOP OF A STAIRWAY AND I WALKED UP THE STAIRWAY TO MEET HIM. CPL. CANTU TOLD ME HE HAD BEEN LISTENING AND THE ARGUMENT WAS COMING FROM APARTMENT NUMBER FOUR.

CPL. CANTU THEN KNOCKED ON THE DOOR OF APARTMENT NUMBER FOUR, LOUDLY. THE DOOR OPENED PARTIALLY AND I COULD SEE THE UPPER TORSO AND FACE OF A MALE SUBJECT. THE SUBJECT LOOKED OUT THE DOOR AT ME AND CPL. CANTU. CPL. CANTU THEN TOLD THE SUBJECT THAT HE WANTED TO SEE HIS HANDS. CPL. CANTU MADE THIS REQUEST SEVERAL TIMES.

THE MALE SUBJECT THEN ATTEMPTED TO SHUT THE DOOR AT WHICH TIME CPL. CANTU PUSHED ON THE DOOR. AS THE DOOR OPENED SLIGHTLY, I COULD SEE THAT THE SUBJECT WAS HOLDING A SILVER OR CHROME COLORED HANDGUN IN HIS RIGHT HAND. AS THE DOOR WAS BEING OPENED THE MALE SUBJECT WAS RAISING THE GUN AND POINTING THE GUN DIRECTLY AT ME.

FEARING FOR MY LIFE, AND THE LIFE OF CPL. CANTU, I UNHOLSTERED MY SERVICE REVOLVER AND BEGAN FIRING AT THE SUBJECT. CPL. CANTU HAD ALSO UNHOLSTERED HIS SERVICE WEAPON AND WAS ALSO FIRING AT THE SUBJECT.

THE DOOR THEN OPENED COMPLETELY AND CPL. CANTU AND I ENTERED THE RESIDENCE. I SAW A MALE SUBJECT LYING ON THE FLOOR BEHIND THE DOOR AND CPL. CANTU WENT TO DETAIN AND DISARM HIM. THERE WAS A [REDACTED] IN THE FRONT ROOM AS WE ENTERED WHOM I DETAINED UNTIL ADDITIONAL OFFICERS ARRIVED FOR ASSISTANCE.

REPORTED BY: *Mal. V. H. T.*
DATE 1-23-93

REVIEWED BY:
DATE

FORMS ATTACHED:

- ☒ VICTIM/WITNESS
☒ SUSPECT
☐ PROPERTY
☐ OTHER

CITY OF LOS ALAMITOS
POLICE DEPARTMENT

CRIME REPORT

CASE NUMBER

93-0155

REFER OTHER REPORTS

INCIDENT REPORT

CRIME	CODE SECTION	CRIME ASSAULT WITH A DEADLY WEAPON ON A POLICE OFFICER	CLASSIFICATION	PRIMARY	SECONDARY	OTHER
	LOCATION	3572 HOWARD ST	POINT OF ATTACK	DATE RPTD	TIME RPTD	
	FIRM NAME AT LOCATION		OCCURRED ON OR BETWEEN (DAY, DATE, TIME)			
	SATURDAY 1-23-93 APPROX 1800 HRS					

V - VICTIM

W - WITNESS

RP - REPORTING PARTY

VICTIM/WITNESS/RP	CODE	NAME (Last, First, Middle)	SEX	RACE: <input type="checkbox"/> UNK <input checked="" type="checkbox"/> WHI <input type="checkbox"/> HSP <input type="checkbox"/> BLK <input type="checkbox"/> A/I <input type="checkbox"/> OR <input type="checkbox"/> OTHER				
	V	VANHOLT, MARK	M					
	RESIDENCE ADDRESS		ZIP CODE	RESIDENCE PHONE				
	BUSINESS ADDRESS		ZIP CODE	BUSINESS PHONE				
VICTIM/WITNESS/RP	CODE	NAME (Last, First, Middle)	SEX	RACE: <input type="checkbox"/> UNK <input type="checkbox"/> WHI <input checked="" type="checkbox"/> HSP <input type="checkbox"/> BLK <input type="checkbox"/> A/I <input type="checkbox"/> OR <input type="checkbox"/> OTHER				
	W	CANTU, VICTORIANO	M					
	RESIDENCE ADDRESS		ZIP CODE	RESIDENCE PHONE				
	BUSINESS ADDRESS		ZIP CODE	BUSINESS PHONE				
VCT.VEH. 4	LICENSE	STATE	YEAR	MAKE	MODEL	OTHER CHARACTERISTICS	DISPO	
	STYLE: <input type="checkbox"/> UNK <input type="checkbox"/> 2DR <input type="checkbox"/> 4DR <input type="checkbox"/> CNV <input type="checkbox"/> PU <input type="checkbox"/> TRK <input type="checkbox"/> VAN <input type="checkbox"/> SW <input type="checkbox"/> RV <input type="checkbox"/> MC <input type="checkbox"/> OTHER						COLOR	VIN #

FACTORS	<input checked="" type="checkbox"/> 1. THERE IS A WITNESS TO THE CRIME	EVIDENCE	<input checked="" type="checkbox"/> 0. NONE	<input checked="" type="checkbox"/> 13. FIREARMS
	<input checked="" type="checkbox"/> 2. A SUSPECT WAS ARRESTED		<input checked="" type="checkbox"/> 1. FINGERPRINTS	<input checked="" type="checkbox"/> 14. PHOTOGRAPHS
	<input checked="" type="checkbox"/> 3. A SUSPECT WAS NAMED		<input type="checkbox"/> 2. TOOLS	<input checked="" type="checkbox"/> 15. OTHER (DESCRIBE)
	<input checked="" type="checkbox"/> 4. A SUSPECT CAN BE LOCATED		<input type="checkbox"/> 3. TOOL MARKINGS	
	<input checked="" type="checkbox"/> 5. A SUSPECT CAN BE IDENTIFIED		<input type="checkbox"/> 4. GLASS	
	<input checked="" type="checkbox"/> 6. A SUSPECT CAN BE DESCRIBED		<input type="checkbox"/> 5. PAINT	
	<input checked="" type="checkbox"/> 7. A SUSPECT VEHICLE CAN BE IDENTIFIED		<input checked="" type="checkbox"/> 6. BULLET CASING	
	<input checked="" type="checkbox"/> 8. THERE IS IDENTIFIABLE STOLEN PROPERTY		<input checked="" type="checkbox"/> 7. PROJECTILE	
	<input checked="" type="checkbox"/> 9. THERE IS A SIGNIFICANT M.O.		<input type="checkbox"/> 8. RAPE KIT	
	<input checked="" type="checkbox"/> 10. SIGNIFICANT PHYSICAL EVIDENCE PRESENT		<input checked="" type="checkbox"/> 9. SEMEN	
	<input type="checkbox"/> 11. MAJOR INJURY/SEX CRIME INVOLVED		<input checked="" type="checkbox"/> 10. BLOOD	
	<input type="checkbox"/> 12. THERE IS A GOOD POSSIBILITY OF SOLUTION		<input type="checkbox"/> 11. URINE	
	<input type="checkbox"/> 13. FURTHER INVESTIGATION IS NEEDED		<input type="checkbox"/> 12. HAIR	<input checked="" type="checkbox"/> 16. OCID RESPONDED

1.	ABOVE OFFICERS RESPOND TO LOCATION IN REGARDS			
2.	TO A DOMESTIC VIOLENCE CALL. SUSPECT BYED PARENTS			
3.	A HANDGUN AT VICTIM AND REFUSES TO DROP WEAPON.			
4.	WITNESS AND VICTIM SHOOT AT SUSPECT HITTING HIM			
5.	SEVERAL TIMES. SUSPECT IS FATALLY INJURED. THE			
6.	ORANGE COUNTY SHERIFF'S DEPARTMENT IS INVESTIGATING			
7.	THE INCIDENT.			
REPORTED BY	EMP #	APPROVED BY	EMP #	DATE
SUE HENGEN	013			

SUSPECT NUMBER 1	CITY OF LOS ALAMITOS POLICE DEPARTMENT	CASE NUMBER 93-0155
DATE 1-23-93		REFER OTHER REPORTS
PAGE NUMBER 3		INCIDENT NUMBER

SUSPECT	NAME (LAST, FIRST, MIDDLE) BYRD SYLVAN RANDALL		AKA:	
	RESIDENCE ADDRESS LOS 3572 HARWARD #4 ALHAMBRA		RES. PHONE	SUBJ. ARRESTED [] YES [] NO
	BUSINESS ADDRESS		BUS. PHONE	OCCUPATION
	SEX MM [] F	RACE: [] 0-UNK [X] 1-WHI [] 2-HSP [] 3-BLK [] 4-AI [] 5-OR [] 6-OTHER	DOB [REDACTED]	AGE 40
	CDL # [REDACTED]	STATE CA	SS#	HEIGHT 5-11
	CLOTHING DESC.		WEIGHT 185	
HAIR: [] 0-UNK [X] 1-BRO [] 2-BLK [] 3-BLN [] 4-RED [] 5-GRY [] 6-S/P [] 7-WHI [] 8-LT BRO [] 9-OTHER		EYES: [] 0-UNK [] 1-BRN [] 2-BLK [X] 3-BLU [] 4-GRN [] 5-HAZ [] 6-GRY [] 7-OTHER		
OTHER I.D. INFO		STATUS [] 1-DRIVER [] 2-PASSENGER [] 3-PED		

4 - AMOUNT OF HAIR	8 - HAIR STYLE	10 - COMPLEXION	13 - TATTOOS/SCARS	DISTING. MARKS	17 - WEAPONS
<input type="checkbox"/> 0 Unknown <input type="checkbox"/> 1 Thick <input type="checkbox"/> 2 Thin <input type="checkbox"/> 3 Receding <input type="checkbox"/> 4 Bald <input type="checkbox"/> 5 Other	<input type="checkbox"/> 0 Unknown <input type="checkbox"/> 1 Long <input type="checkbox"/> 2 Short <input type="checkbox"/> 3 Collar <input type="checkbox"/> 4 Military <input type="checkbox"/> 5 Crewcut <input type="checkbox"/> 6 Right Part <input type="checkbox"/> 7 Left Part <input type="checkbox"/> 8 Center Part <input type="checkbox"/> 9 Straight Back <input type="checkbox"/> 10 Pony Tail <input type="checkbox"/> 11 Afro/Natural <input type="checkbox"/> 12 Processed <input type="checkbox"/> 13 Teased <input type="checkbox"/> 14 Other	<input type="checkbox"/> 0 Unknown <input type="checkbox"/> 1 Clear <input type="checkbox"/> 2 Acne <input type="checkbox"/> 3 Pocked <input type="checkbox"/> 4 Freckled <input type="checkbox"/> 5 Weathered <input type="checkbox"/> 6 Albino <input type="checkbox"/> 7 Other	<input type="checkbox"/> 0 Unknown <input type="checkbox"/> 1 Face <input type="checkbox"/> 2 Teeth <input type="checkbox"/> 3 Neck <input type="checkbox"/> 4 Right Arm <input type="checkbox"/> 5 Left Arm <input type="checkbox"/> 6 Right Hand <input type="checkbox"/> 7 Left Hand <input type="checkbox"/> 8 Right Leg <input type="checkbox"/> 9 Left Leg <input type="checkbox"/> 10 Right Shoulder <input type="checkbox"/> 11 Left Shoulder <input type="checkbox"/> 12 Front Torso <input type="checkbox"/> 13 Back Torso <input type="checkbox"/> 14 Other	<input type="checkbox"/> 0 None Describe Below	<input type="checkbox"/> 0 Unk/None <input type="checkbox"/> 1 Club <input checked="" type="checkbox"/> 2 Handgun <input type="checkbox"/> 3 Other Unk. Gun <input type="checkbox"/> 4 Rifle <input type="checkbox"/> 5 Shotgun <input type="checkbox"/> 6 Toy Gun <input type="checkbox"/> 7 Simulated <input type="checkbox"/> 8 Pocket Knife <input type="checkbox"/> 9 Butcher Knife <input type="checkbox"/> 10 Other Cutting/ Stabbing Instru <input type="checkbox"/> 11 Hands/Feet <input type="checkbox"/> 12 Bodily Force <input type="checkbox"/> 13 Strangulation <input type="checkbox"/> 14 Tire Iron <input type="checkbox"/> 15 Other
5 - TYPE OF HAIR	9 - FACIAL HAIR	11 - GLASSES	15 - Unique Clothes	14 - WEAPON IN	19 - WPN. Feature
<input type="checkbox"/> 0 Unknown <input type="checkbox"/> 1 Straight <input type="checkbox"/> 2 Curly <input type="checkbox"/> 3 Wavy <input type="checkbox"/> 4 Fine <input type="checkbox"/> 5 Course <input type="checkbox"/> 6 Wiry <input type="checkbox"/> 7 Wig <input type="checkbox"/> 8 Other	<input type="checkbox"/> 0 Unknown <input type="checkbox"/> 0 N/A <input type="checkbox"/> 1 Clean Shaven <input type="checkbox"/> 2 Mustache [] Thin [] Thick [] Medium <input type="checkbox"/> 3 Full Beard <input type="checkbox"/> 4 Goatee <input type="checkbox"/> 5 Fu Manchu <input type="checkbox"/> 6 Lower Lip <input type="checkbox"/> 7 Sideburns <input type="checkbox"/> 8 Fizz <input type="checkbox"/> 9 Unshaven <input type="checkbox"/> 10 Other	<input type="checkbox"/> 0 Unknown <input type="checkbox"/> 0 None <input type="checkbox"/> 1 Yes (No Desc.) <input type="checkbox"/> 2 Regular Glasses <input type="checkbox"/> 3 Sun Glasses <input type="checkbox"/> 4 Wire Frame <input type="checkbox"/> 5 Plastic Frame Color _____ <input type="checkbox"/> 6 Other	<input type="checkbox"/> 0 Unknown/None <input type="checkbox"/> 1 Cap/Hat <input type="checkbox"/> 2 Gloves <input type="checkbox"/> 3 Ski Mask <input type="checkbox"/> 4 Stocking Mask <input type="checkbox"/> 5 Other (Describe)	<input type="checkbox"/> 0 Unknown <input type="checkbox"/> 0 N/A <input type="checkbox"/> 1 Bag/Briefcase <input type="checkbox"/> 2 Newspaper <input type="checkbox"/> 3 Pocket <input type="checkbox"/> 4 Shoulder Holster <input checked="" type="checkbox"/> 5 Waistband <input checked="" type="checkbox"/> 6 Other RECENT HABIT	<input type="checkbox"/> 0 Unknown/None <input type="checkbox"/> 1 Altered Stock <input type="checkbox"/> 2 Sawed Off <input checked="" type="checkbox"/> 3 Automatic <input type="checkbox"/> 4 Bolt Action <input type="checkbox"/> 5 Pump <input type="checkbox"/> 6 Revolver <input type="checkbox"/> 7 Blue Steel <input checked="" type="checkbox"/> 8 Chrome Nickle <input type="checkbox"/> 9 Double Barrel <input type="checkbox"/> 10 Single Barrel <input type="checkbox"/> 11 Other
6 - HAIR CONDITION	12 - VOICE				
<input type="checkbox"/> 0 Unknown <input type="checkbox"/> 1 Clean <input type="checkbox"/> 2 Dirty <input type="checkbox"/> 3 Greasy <input type="checkbox"/> 4 Fine <input type="checkbox"/> 5 Course <input type="checkbox"/> 6 Wiry <input type="checkbox"/> 7 Wig <input type="checkbox"/> 8 Other	<input type="checkbox"/> 0 Unknown <input type="checkbox"/> 0 N/A <input type="checkbox"/> 1 Lisp <input type="checkbox"/> 2 Slurred <input type="checkbox"/> 3 Stutter <input type="checkbox"/> 4 Accent (Describe)				
7 - R/L HANDED					
[] 1 Right [] 2 Left					

SUSP. VEH. 2	LICENSE #	STATE	VEH YR	MAKE	MODEL	COLOR	VIN #
	BODY STYLE: [] 0-UNK [] 1-2DR [] 2-4DR [] 3-CNV [] 4-P/U [] 5-TRK [] 6-VAN [] 7-SW [] 8-RV [] 9-MC [] 10-OTHER						
	R/O		ADDRESS			OTHER DESC.	
					VEH DISPO		

LOS ALAMITOS POLICE DEPARTMENT
SUPPLEMENTAL REPORT

CASE #: 93-0155
DATE: 01-23-93

ON 01-23-93 AT APPROX. 1800 HRS., I HAD CALLED THE STATION AND TALKED TO DISPATCHER LETCHER WHO ADVISED THERE WAS AN OFFICER INVOLVED SHOOTING INVOLVING SOME OF OUR OFFICERS. I ASKED IF I NEEDED TO RESPOND TO ASSIST AND HE TALKED TO COMMANDER BIGGERSTAFF WHO TOLD ME TO RESPOND TO LOS ALAMITOS MEDICAL CENTER.

I RESPONDED TO THE STATION AND GRABBED MY NOTE PAD AND POLAROID CAMERA AND RESPONDED TO THE MEDICAL CENTER.

AT APPROX. 1830 HRS., I ARRIVED AT THE MEDICAL CENTER AND RESPONDED TO THE EMERGENCY ROOM AND WAS MET BY CORPORAL DELEON WHO ADVISED ME OF THE SITUATION.

I SAW SUBJECT BYRD, SYLVAN RANDALL LAYING ON A GURNEY IN BED "A" WITH DR. BLUSH, NURSE MONTGOMERY, A. SMITH, BECKER, REPERTORY THERAPISTS PONCE AND PIERONI WORKING ON SUBJECT BYRD. DR. BLUSH ADVISED AT 1848 HRS., SUBJECT BYRD WAS DECEASED.

I STAYED AT THE LOCATION FOR THE CRIME SCENE AND KEPT A LOG.

1700 HRS.- CORPORAL DELEON LEAVES

2025 HRS.- OFFICER ELLISON FROM SEAL BEACH POLICE ARRIVES.

2036 HRS.- DEPUTY ESSLINGER, INVESTIGATOR FOR O.C. CORNER'S OFFICER ARRIVES AND INSPECTS BODY. O.C. CORONER CASE # 93-00573ES.

2055 HRS.- O.C. SHERIFF'S HOMICIDE INVESTIGATOR RUSSELL ARRIVES AT SCENE.

2059 HRS.- INVESTIGATOR RUSSELL LEAVES SCENE.

2102 HRS.- OFFICER ELLISON LEFT SCENE.

2119 HRS.- DEPUTY ESSLINGER LEAVES AREA.

2139 HRS.- CHRIS MACERA FROM SECURE TRANSPORTATION ARRIVES TO TRANSPORT DECEASED. DEPUTY ESSLINGER ENTERS AREA.

2154 HRS.- CHRIS MACERA DEPARTS WITH DECEASED AND I LEFT AREA.

PREPARED BY:
DET. KELLEY #080

APPROVED BY:

J. P.
1/23/93

LOS ALAMITOS POLICE DEPARTMENT
NARRATIVE REPORT

PAGE 1

CASE# 93-0155

INTERVIEWED: [REDACTED]

PRESENT: [REDACTED]

ELLISON, JERRY E. ID#100 [REDACTED]
SEAL BEACH POLICE DEPT.

ON 1/23/93, AT APPROX. 1830 HRS., I WAS AT LT. SWEARINGEN'S HOUSE WHEN HE RECEIVED A PHONE CALL FROM DISP. LETCHER ADVISING HIM OF AN OFFICER INVOLVED SHOOTING. LETCHER TOLD SWEARINGEN THAT HE HAD TRIED PAGING ME AT CMDR. BIGGERSTAFF'S REQUEST. I PICKED UP THE PHONE AND LETCHER TOLD ME THAT BIGGERSTAFF WANTED ME TO RESPOND TO THE STATION TO INTERVIEW THE WIFE OF THE SUBJECT WHO HAD BEEN SHOT.

I ARRIVED AT APPROX. 1855 HRS. AND APPROX. 5 MINUTES LATER, OFF. ELLISON BROUGHT [REDACTED] INTO THE DET. OFFICE. I ASKED [REDACTED] TO TELL WHAT HAD OCCURRED PRIOR TO [REDACTED] (SLYVAN R. BYRD) BEING SHOT. [REDACTED] SAID THAT THEY WERE HAVING AN ARGUMENT WHEN SOMEONE BANGED LOUDLY ON THE FRONT DOOR. [REDACTED] SAID NO ONE IDENTIFIED THEMSELVES SO [REDACTED] WALKED INTO THE KITCHEN WHILE HE WENT INTO THE SECOND BEDROOM (USED AS OFFICE) AND GOT A "SILVER HANDGUN". HE WENT TO THE DOOR AND THE NEXT THING [REDACTED] HEARD WAS "4, 5, OR 6" SHOTS.

[REDACTED] SAID A TALL OFFICER ENTERED THE APT. WITH HIS GUN DRAWN AND TOLD [REDACTED] TO PUT [REDACTED] HANDS UP. [REDACTED] SAID [REDACTED] DID SO AND HE HANDCUFFED [REDACTED] AND SAT [REDACTED] DOWN NEAR THE TELEPHONE. [REDACTED] LOOKED OVER AT [REDACTED] AND SAW [REDACTED] BLEEDING AND LYING IN A "PUDDLE OF BLOOD". [REDACTED] ASKED THE OFFICER TO PLEASE HELP [REDACTED] AND [REDACTED] WAS THEN REMOVED FROM THE APT.

I ASKED [REDACTED] WHAT [REDACTED] AND SLYVAN HAD BEEN ARGUING ABOUT. [REDACTED] SAID "ABOUT MOVING TO [REDACTED] I ASKED IF THE ARGUMENT HAD BECOME PHYSICAL AND [REDACTED] SAID NO, THAT THE ONLY PHYSICAL THING THAT OCCURRED WAS [REDACTED] THROWING [REDACTED] WALLET DOWN. I ASKED IF [REDACTED] OR [REDACTED] HAD CALLED THE POLICE AND [REDACTED] SAID NO. I ASKED IF THEY HAD BEEN DRINKING. [REDACTED] SAID THAT [REDACTED] HAD HAD TWO VODKA TONICS AND THAT SLYVAN HAD BEEN DRINKING RUM AND COKE. [REDACTED] WAS NOT SURE HOW MANY HE HAD HAD AS [REDACTED] HAD RUN SOME ERRANDS, LEAVING HIM AT HOME.

[REDACTED] SAID SLYVAN HAD GRADUATED FROM THE POLICE ACADEMY IN ALASKA AND HAD SEVERAL FIREARMS IN THE HOUSE. [REDACTED] SAID AT ONE TIME HE POSSESSED A FEDERAL FIREARMS LICENSE BUT WAS NOT SURE IF IT WAS STILL VALID. [REDACTED] SAID THAT IF SLYVAN HAD KNOWN IT WAS POLICE AT THE DOOR, HE WOULD HAVE

PREPARED BY: J. JESSEN
DATE: 1/23/93

APPROVED BY: [Signature]
DATE: 1/23/93

LOS ALAMITOS POLICE DEPARTMENT
NARRATIVE REPORT

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CASE# 93-0155


LET THEM IN AS "HE RESPECTS AND LOVES THE POLICE".

I ASKED IF [REDACTED] OR SLYVAN HAD RECEIVED ANY THREATS FROM CO-WORKERS, NEIGHBORS, ETC. WHICH WOULD HAVE CAUSED HIM TO RETRIEVE AN HANDGUN PRIOR TO ANSWERING THE DOOR. [REDACTED] SAID NO THAT HE WAS "BEING PROTECTIVE OF HIS HOME". [REDACTED] SAID THE ARGUMENT LASTED APPROX. 10 MIN. AND WAS SUBSIDING AT THE TIME THE OFFICERS KNOCKED ON THE DOOR.

I ASKED [REDACTED] TO DESCRIBE THE HANDGUN THAT SLYVAN GOT FROM THE OFFICE/BEDROOM AREA. [REDACTED] SAID IT WAS SILVER OR STAINLESS STEEL AND IT COCKED BY PULLING THE TOP BACKWARDS. [REDACTED] SAID [REDACTED] DID NOT SEE SLYVAN COCK THE GUN BEFORE ANSWERING THE DOOR, AS [REDACTED] WAS IN THE KITCHEN.

[REDACTED] BECAME VERY HYSTERICAL AT THIS TIME BECAUSE [REDACTED] WANTED TO KNOW [REDACTED] CONDITION. I KNEW THAT MR. BYRD HAD EXPIRED AND I TRIED TO CALM [REDACTED] AND KEEP [REDACTED] AT THE STATION UNTIL AN O.C.S.D. INVESTIGATOR ARRIVED BUT COULD NOT DO SO WITHOUT FORCE. [REDACTED] WAS ALLOWED TO LEAVE AND I NOTIFIED CMDR. BIGGERSTAFF THAT [REDACTED] WAS EN ROUTE TO LAMC.

PREPARED BY: J. JESSE
DATE: 1/23/93

APPROVED BY: 
DATE: 1/23/93

1/23/93

JS

SLYMAN BYRD MW/40

LOUD DISCUSSION -

THREW WALLET ON FLOOR

DID NOT CALL POLICE -

BAMBOO ON DOOR - NO ANNOUNCEMENT

ALARMED

WENT TO BEDROOM - 2ND FLOOR - OFFICE

"GOT HIS GUN" -

GRADUATE POL. ACADEMY - ALASKA - FED. FIREARMS LIC.

HAND GUNS -

"GOT A HAND GUN"

WENT INTO KITCHEN - HE ANSWERED DOOR

"GUNFIRE" - 4-5-6

P.O. CAME IN - GUN DRAWN - HANDCUFFED SLYMAN

TALL P.O. CAME IN - POINTED GUN - "PUT YOUR HANDS UP" - I PUT MY HANDS UP - HANDCUFFED ME - PUT ME DOWN BY TELEPHONE - LOOK OVER AT [REDACTED] - BLEEDING - "PUDDLE OF BLOOD" - "PLEASE HELP HIM" - "GOT ME OUT OF THERE" -

"RESPECT POLICE" "HE LOVES POLICE"

Arguing About [REDACTED]

"YES - 2 COCKTAILS - VODKA/TONIC

SYLVAN - LINK? NUMBER - MORE THAN ME.

NO NARCOTICS - NEVER

ULTRANS TRANSPORTATION - SANTA FE SPRING.
MON/FRI

Argument could have lasted no more than 10 min.

2ND Floor - PEOPLE BELOW

LIVRO THREE SEPT. 92

[REDACTED]

NO PRIOR PROBLEMS -

B/T LIV. AM & KIT. AT TIME DOOR KNOCK - 3-4

Argument subsiding at times " "

BANG, BANG, "He went to BED ROOM -

"SILVER HAND GUN" - AUTO -

BANGS - "DID NOT SEE HIM COCK IT"

NO PROBLEMS - CO-WORKERS - NO THREATS

"BEING PROTECTIVE OF HOME

LOS ALAMITOS POLICE DEPARTMENT
NARRATIVE REPORT

PAGE 1

SUPPLEMENTAL REPORT

CASE 92-0155

ON 1/23/93 AT 1741 HOURS I RESPONDED TO 3572 HOWARD AVE. #4 TO ASSIST OTHER OFFICERS AT THE SCENE OF AN OFFICER INVOLVED SHOOTING. UPON ARRIVAL I WAS ASSIGNED TO STANDBY AT THE BASE OF THE STAIRS AND WAIT FOR O.C. PARAMEDICS TO BRING THE SUSPECT WHO HAD BEEN SHOT, OUT OF APARTMENT #4. AFTER PARAMEDICS BROUGHT THE SUSPECT (SYLVAN R. BYRD) OUT OF THE APARTMENT, I ASSISTED THEM BY HOLDING AN I.V. BAG AS THEY WHEELED BYRD TO THE AMBULANCE. I THEN ACCOMPANIED BYRD IN THE AMBULANCE TO LOS ALAMITOS MEDICAL CENTER. I REMAINED AT LOS ALAMITOS MEDICAL CENTER WHILE HOSPITAL PERSONNEL GAVE MEDICAL ATTENTION TO BYRD. DETECTIVE C. KELLEY #080 LATER RESPONDED TO L.A.M.C. AND ALSO STOOD BY WITH ME. AT APPROXIMATELY 1845 HOURS, THE HOSPITAL PERSONNEL DISCONTINUED MEDICAL AID TO BYRD. I THEN LEFT L.A.M.C. AT APPROXIMATELY 1900 HOURS AND DETECTIVE KELLEY REMAINED.

AT APPROXIMATELY 2200 HOURS I RESPONDED BACK TO 3572 HOWARD #4 AND ASSISTED WITH KEEPING A WRITTEN LOG OF PERSONNEL ENTERING AND LEAVING THE CRIME SCENE.

REPORTED BY: *R. DeLeon #26*
DATE *1-24-93*

REVIEWED BY: *FARRIS #020*
DATE *1-24-93*

[REDACTED]

[REDACTED]

[REDACTED]

BEISINGER
C.C. ORANGE CORNER
S.D. **ESSLINGER**

#009
10:13 P.M.
IN

OUT - 2215
IN - 2214
OUT 2217
OUT 2216

DAGGON 114 0010
OUT 0015

RUSSELL - 1236

Ramos - 1239
O.C. HOMICIDE

FARRIS 114 0121
OUT 0125

Betty Wheeler
TERR BURRPOLO

IN 0237
RUSSELL 114 05

DOUGLAS BYRD
ROD WOOD 1146
114 0300

SUGARMAN BUT 0310
RUSSELL 0320
RAMOS

SIDE-B 114 2218
OUT 2220

FARRIS 114-2221
OUT - 2230

SUGARMAN OUT-2230

SUGARMAN 114-2231

IN - 2238
EMM JACKSON OUT-2253

SIDEBB 114-2237
OUT-2241

A. GARCIA IN 2242
OUT 2327

JACKSON 114
STALOY 2205
OUT 2305

GARCIA IN 2337 1130
MONS STRAND IN 0002
OUT 0000

5275 Orange Avenue, Cypress, CA. 90630 Phone (714) 229-6600 (Page 1)

DR # 9300518

SOLVABILITY FACTORS:

IS A SUSPECT IN CUSTODY?
IS PROSECUTION DESIRED?

YES NO

IS A SUSPECT NAMED ?

CAN A SUSPECT BE LOCATED?
CAN A SUSPECT BE DESCRIBED?
CAN A SUSPECT BE IDENTIFIED?

YES NO

IS THE STOLEN PROPERTY IDENTIFIABLE ?

IS THERE A SIGNIFIGANT M.O.?
IS SIGNIFIGANT PHYSICAL EVIDENCE PRESENT ?
IS A MAJOR INJURY or SEX CRIME INVOLVED ?

YES NO

V=Victim W=Witness P=Parent RP=Reporting Party DC=Discovered Crime O=Other D=Deceased C=Child MP=Missing Person

VEHICLE INFORMATION: CODE = VICT1 SUSP1 VICT2 SUSP2 OTHER

CHECK HERE IF MORE NAMES IN CONTINUATION:

DESCRIBE BRIEFLY HOW CRIME WAS COMMITTED. (CORPUS)

LOS ALAMITOS OFCR. ADVISES ON RED CHANNEL THAT HE WAS INVOLVED IN A SHOOTING (998) AT THE ABOVE LISTED ADDRESS. SERGEANTS AND OFFICERS FROM CYPRESS RESPONDED AND ASSISTED.

PROPERTY CLASS: S = Stolen R = Recovered F = Found L = Lost D = Damaged E = Evidence SK = Safekeeping

CL	QTY	ITEM / MAKE / MODEL / SERIAL # / OWNER APPLIED #

TAG #	APS	VALUE
-------	-----	-------

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DUPLICATED, COPIED, OR FURNISHED TO ANY OTHER
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WITHOUT THE EXPRESS PERMISSION OF THE CYPRESS
POLICE DEPARTMENT, RECORDS BUREAU.
BY J. Research DATE 1-25-

TOTAL AMOUNT

DET. ☐ JUV. ☐ PATROL ☐ CLK/DSP ☒ S.O./P.D. ☐ D/A ☐ CH (other)

CLOSED ☒ ADMIN. ☒ EXCEP. ☐ APP/CITE ☐ UNFOUNDED (other)

PENDING ☐ PATROL ☐ INVEST. ☐ A.I. ☒ C.L. ☐ W/C (other)

REPORTING OFFICER(s)	I.D. # (s)	REVIEWED BY:	DATE
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☒ NARRATIVE☐ SUPPLEMENTAL

CYPRESS POLICE DEPARTMENT

Page 2

CODE SECTION	CRIME	CLASSIFICATION	CASE NO. 9300518
VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		ADDRESS	RESIDENCE BUSINESS PHONE

1. ON 1-23-93 AT APPROX 1748 HRS, AN OFFICER FROM THE LOS
2. ALAMITOS POLICE DEPARTMENT ADVISED ON RED CHANNEL
3. (COUNTY WIDE EMERGENCY FREQUENCY) THAT HE WAS INVOLVED
4. IN A SHOOTING ("998") AT 3572 HOWARD.
5. THE FOLLOWING SERGEANTS, AGENTS, AND OFFICERS
6. RESPONDED TO THE ABOVE ADDRESS TO ASSIST. LISTED
7. BELOW IS ALSO EACH OFFICERS ASSIGNMENT AT THE
8. SCENE. I WAS THE FIRST CYPRESS SUPERVISOR TO
9. ARRIVE, SO I HANDLED THE ASSIGNMENTS OF THE
10. CYPRESS OFFICERS.
11. SGT. IDOM - STOOD BY AT BOTTOM OF STAIRWAY AND
12. ASSIGNED CYPRESS OFFICERS AS THEY ARRIVED.
13. SGT. JORDAN - MOBILE ON FOOT CHECKING ON STATUS
14. OF CYPRESS OFFICERS
15. SGT. STANTON - ASSIGNED TO LOS ALAMITOS BLVD AND
16. HOWARD FOR TRAFFIC CONTROL REGARDING THE LANDING
17. SITE FOR LIFE FLIGHT.
18. AGENT ROBINSON - ASSIGNED TO TRAFFIC CONTROL AT
19. LOS ALAMITOS BLVD AND HOWARD
20. OFCR. COTE - ASSIGNED TO TRAFFIC CONTROL AT
21. LOS ALAMITOS BLVD AND HOWARD
22. OFCR. SOLORZA - ASSIGNED TO TRAFFIC CONTROL AT
23. LOS ALAMITOS BLVD AND HOWARD
24. OFCR. K. RAMSEY - ASSIGNED TO POLICE TAPE OFF
25. THE AREA NORTH (STREET ENTRANCE) AND SOUTH (ALLEY
26. ENTRANCE) TO THE APARTMENT (#4). POLICE TAPE WAS

<input type="checkbox"/> DET.	<input type="checkbox"/> DIST. ATTY.	<input type="checkbox"/> CII	<input type="checkbox"/> OTHER	<input type="checkbox"/> CLERK/DISP.	CLOSED	<input type="checkbox"/> ADMIN.	<input type="checkbox"/> UNFOUNDED	PENDING	<input type="checkbox"/> PATROL	<input type="checkbox"/> A.I.	OTHER
<input type="checkbox"/> JUV	<input type="checkbox"/> S.O./P.D.	<input type="checkbox"/> PATROL	<input type="checkbox"/> OTHER		<input type="checkbox"/> EXCEP.	<input type="checkbox"/> ARR/CITE		<input type="checkbox"/> INVEST.	<input type="checkbox"/> C.L.	W/C	

REPORTING OFFICERS SGT. IDOM	I.D. # 3629	REVIEWED BY	DATE
--	-----------------------	-------------	------

☒ NARRATIVE☐ SUPPLEMENTAL

CYPRESS POLICE DEPARTMENT

Page 3

CODE SECTION	CRIME	CLASSIFICATION	CASE NO.
VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		ADDRESS	RESIDENCE
		BUSINESS	PHONE

1. TO INCLUDE THE TWO LOS ALAMITOS POLICE UNITS PARKED
2. ON HOWARD IN FRONT OF THE COMPLEX. OFFICER E.
3. RAMSEY AND HIS PARTNER OFFICER J. LASALLE WERE
4. LATER ASSIGNED THE TASK OF [REDACTED] [REDACTED]

5. [REDACTED] [REDACTED] [REDACTED] [REDACTED]
6. OFFICER S. RAMSEY - ASSIGNED TO CONTACT THE
7. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

8. ALL SUBJECTS WERE IDENTIFIED AND THAT
9. INFORMATION WAS GIVEN TO ME. I INTERN GAVE
10. THAT WRITTEN INFORMATION TO SERGEANT R.

11. VANTILBORG OF THE LOS ALAMITOS POLICE DEPARTMENT.
12. OFFICER BALDWIN - WAS ASSIGNED CROWD CONTROL
13. AT THE POLICE LINE ON HOWARD STREET.

14. AS I WAS LEAVING THE AREA I WAS CONTACTED
15. BY A [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

16. COMPLEX. [REDACTED] TOLD ME THAT [REDACTED] HEARD THE ARGUING
17. AND A [REDACTED] WAS SCREAMING, CRYING, AND WAS
18. HYSTERICAL. THE WITNESS SAID THAT [REDACTED] COULD

19. HEAR OBJECTS BEING THROWN AND COULD HEAR
20. THE MALE SUBJECT, HOWEVER HE WAS NOT AS LOUD.

21. [REDACTED] TOLD ME THAT APPROX 30 MIN AFTER THE ARGUING
22. STARTED [REDACTED] HEARD WHAT [REDACTED] THOUGHT WAS APPROX.
23. 5 SHOTS. [REDACTED] STATED THAT [REDACTED] THEN CALLED 911.

24. I OBTAINED THE NAME, ADDRESS, & PLACE OF EMPLOYMENT
25. AND GAVE THAT TO SGT. VANTILBORG.

26. CASE CLOSED.

☐ DET. ☐ DIST. ATTY. ☐ CII ☐ OTHER ☐ CLERK/DISP.
☐ JUV ☐ S.O./P.D. ☐ PATROL ☐ OTHER

CLOSED ☐ ADMIN. ☐ UNFOUNDED
☐ EXCEP. ☐ ARR/CITE

PENDING ☐ PATROL ☐ A.I. OTHER
☐ INVEST. ☐ C.I. W/C

REPORTING OFFICERS SGT. IDUM	I.D. # 3629	REVIEWED BY	DATE
---------------------------------	----------------	-------------	------

2-25-93

COPIES OF COPIES SENT
TO THE FBI.

COPY OF DISPATCH TAPE
H&B SENT TO FBI.

FORMS ATTACHED:

- ☒ VICTIM/WITNESS
☒ SUSPECT
☐ PROPERTY
☐ OTHER

CITY OF LOS ALAMITOS
POLICE DEPARTMENT

CRIME REPORT

CASE NUMBER

93-0155

REFER OTHER REPORTS

INCIDENT REPORT

CRIME	CODE SECTION	CRIME ASSAULT WITH A DEADLY WEAPON ON A POLICE OFFICER	CLASSIFICATION	PRIMARY	SECONDARY	OTHER
	LOCATION	3522 HOWARD #4	POINT OF ATTACK	DATE RPTD	TIME RPTD	
	FIRM NAME AT LOCATION		OCCURRED ON OR BETWEEN (DAY, DATE, TIME)			
	SATURDAY 1-23-93 APPROX 1800 HRS					

V = VICTIM

W = WITNESS

RP = REPORTING PARTY

VICTIM/WITNESS/RP	CODE	NAME (Last, First, Middle)	SEX	RACE: <input type="checkbox"/> UNK <input checked="" type="checkbox"/> WHI <input type="checkbox"/> HSP <input type="checkbox"/> BLK <input type="checkbox"/> AI <input type="checkbox"/> OR <input type="checkbox"/> OTHER		
	V	VANHOLT, MARK	M			
	RESIDENCE ADDRESS		ZIP CODE	RESIDENCE PHONE	DOB	
	BUSINESS ADDRESS		ZIP CODE	BUSINESS PHONE	OCCUPATION	
	3201 KATELLA, LOS ALAMITOS	90720	431-1344	POLICE OFFICER		
VICTIM/WITNESS/RP	CODE	NAME (Last, First, Middle)	SEX	RACE: <input type="checkbox"/> UNK <input type="checkbox"/> WHI <input checked="" type="checkbox"/> HSP <input type="checkbox"/> BLK <input type="checkbox"/> AI <input type="checkbox"/> OR <input type="checkbox"/> OTHER		
	W	CANTU, VICTORIANO	M			
	RESIDENCE ADDRESS		ZIP CODE	RESIDENCE PHONE	DOB	
	BUSINESS ADDRESS		ZIP CODE	BUSINESS PHONE	OCCUPATION	
	3201 KATELLA, LOS ALAMITOS	90720	431-1344	POLICE OFFICER		
VCT/VEH	LICENSE	STATE	YEAR	MAKE	MODEL	OTHER CHARACTERISTICS
						DISPO
	STYLE: <input type="checkbox"/> UNK <input type="checkbox"/> 2DR <input type="checkbox"/> 4DR <input type="checkbox"/> CNV <input type="checkbox"/> PU <input type="checkbox"/> TRK <input type="checkbox"/> VAN <input type="checkbox"/> SW <input type="checkbox"/> RV <input type="checkbox"/> MC <input type="checkbox"/> OTHER					COLOR
						VIN #

FACTORS	<input checked="" type="checkbox"/> 1. THERE IS A WITNESS TO THE CRIME	EVIDENCE	<input checked="" type="checkbox"/> 0. NONE	<input checked="" type="checkbox"/> 13. FIREARMS
	<input checked="" type="checkbox"/> 2. A SUSPECT WAS ARRESTED		<input checked="" type="checkbox"/> 1. FINGERPRINTS	<input checked="" type="checkbox"/> 14. PHOTOGRAPHS
	<input checked="" type="checkbox"/> 3. A SUSPECT WAS NAMED		<input type="checkbox"/> 2. TOOLS	<input checked="" type="checkbox"/> 15. OTHER (DESCRIBE)
	<input checked="" type="checkbox"/> 4. A SUSPECT CAN BE LOCATED		<input type="checkbox"/> 3. TOOL MARKINGS	
	<input checked="" type="checkbox"/> 5. A SUSPECT CAN BE DESCRIBED		<input type="checkbox"/> 4. GLASS	ORANGE COUNTY ID
	<input checked="" type="checkbox"/> 6. A SUSPECT CAN BE IDENTIFIED		<input type="checkbox"/> 5. PAINT	
	<input type="checkbox"/> 7. A SUSPECT VEHICLE CAN BE IDENTIFIED		<input checked="" type="checkbox"/> 6. BULLET CASING	RESPONDED AND
	<input type="checkbox"/> 8. THERE IS IDENTIFIABLE STOLEN PROPERTY		<input checked="" type="checkbox"/> 7. PROJECTILE	
	<input type="checkbox"/> 9. THERE IS A SIGNIFICANT M.O.		<input type="checkbox"/> 8. RAPE KIT	COLLECTED ALL
	<input checked="" type="checkbox"/> 10. SIGNIFICANT PHYSICAL EVIDENCE PRESENT		<input type="checkbox"/> 9. SEMEN	
	<input type="checkbox"/> 11. MAJOR INJURY/SEX CRIME INVOLVED		<input checked="" type="checkbox"/> 10. BLOOD	EVIDENCE
	<input type="checkbox"/> 12. THERE IS A GOOD POSSIBILITY OF SOLUTION		<input type="checkbox"/> 11. URINE	
	<input type="checkbox"/> 13. FURTHER INVESTIGATION IS NEEDED		<input type="checkbox"/> 12. HAIR	<input checked="" type="checkbox"/> 16. OCID RESPONDED

1. ABOVE OFFICERS RESPOND TO LOCATION IN REGARDS
2. TO A DOMESTIC VIOLENCE CALL. SUSPECT BYRD PRESENTS
3. A HANDGUN AT VICTIM AND REFUSES TO DROP WEAPON.
4. WITNESS AND VICTIM SHOOT AT SUSPECT HITTING HIM
5. SEVERAL TIMES. SUSPECT IS FATALY INJURED. THE
6. ORANGE COUNTY SHERIFF'S DEPARTMENT IS INVESTIGATING
7. THE INCIDENT.

REPORTED BY	EMP #	APPROVED BY	EMP #	DATE
S. HARRINGTON	013			

LOS ALAMITOS POLICE DEPARTMENT
NARRATIVE REPORT

PAGE 1

CASE# 93-0155S

1-23-93 1748 HRS.

AT ABOVE DATE AND TIME UNDERSIGNED OFFICER WAS OFF DUTY AND DRIVING MY DEPARTMENT ASSIGNED VEHICLE EQUIPPED WITH A DEPARTMENT POLICE RADIO WHEN I HEARD A 998 CALL (OFFICER INVOLVED IN A SHOOTING).

I MONITORED THE RADIO TRAFFIC FOR SEVERAL MINUTES UNTIL I HEARD THE WATCH COMMANDER, SGT. ARL FARRIS ADVISE THE STATION THAT PARAMEDICS WERE NEEDED AND THAT OFFICERS HAD NOT SUFFERED ANY SERIOUS INJURIES. HE ALSO REQUESTED THAT THE STATION NOTIFY ME AND ASK THAT I RESPOND TO THE SCENE AT 3572 HOWARD #4 LOS ALAMITOS. AT THE TIME I WAS AT VALLEY VIEW AND BALL ROAD AND DROVE DIRECTLY TO THE SCENE. IT TOOK APPROXIMATELY 5 TO 8 MINUTES TRAVEL TIME TO ARRIVE AT THE SCENE.

AS I PULLED UP I OBSERVED NUMEROUS POLICE FROM LOS ALAMITOS, SEAL BEACH AND CYPRESS POLICE DEPARTMENTS ALONG WITH PARAMEDICS AND A FIRE ENGINE. I NOTICED A CYPRESS SGT. DIRECTLY IN FRONT OF THE APARTMENT BUILDING , HE WAS DIRECTING SEVERAL OF HIS OFFICERS TO PLACE BARRICADE TAPE AND RESTRICT ACCESS TO THE SCENE. I WAS DIRECTED TO APT. # 4 UPSTAIRS. AS I WALKED UP THE ENCLOSED STAIRWELL AND REACHED THE UPPER 4 FOOT BY 4 FOOT LANDING , I OBSERVED APPROXIMATELY 10 TO 15 EXPENDED BULLET CASINGS LYING ON THE UPPER STAIRS AND LANDING. AS I ENTERED THE APARTMENT I ALSO OBSERVED NUMEROUS BULLET HOLES IN THE FRONT DOOR. I ENTERED INTO THE LIVING ROOM AND SAW SGT. FARRIS, CORPORAL CANTU , OFFICER VAN HOLT AND SEAL BEACH OFFICER JOE MILLER ALL ASSISTING THE PARAMEDICS WHO WERE AT THE SCENE. I ASKED CANTU IF THERE WERE ANY OUTSTANDING SUSPECTS WHICH HE REPLIED NO. I ASKED HIM WHO HANDLED THE CALL AND HE TOLD ME THAT OFFICER VAN HOLT AND HE HAD RESPONDED TO A FAMILY DISTURBANCE CALL AND HAVE BEEN MEET AT THE FRONT DOOR BY A MAN WITH A GUN POINTED AT THEM. HE FURTHER STATED THAT THE MAN REFUSED TO DROP THE GUN AND WAS ATTEMPTING TO CLOSE THE DOOR ON THE OFFICERS. HE STATED THAT BOTH HE AND OFFICER VAN HOLT FIRED THEIR WEAPONS. NO FURTHER QUESTIONS WERE ASKED OF CANTU OR VAN HOLT. SGT. RANDELL OF THE SEAL BEACH POLICE DEPARTMENT ARRIVED ON SCENE AND ASKED IF HE COULD HELP. I ASSIGNED HIM TO TAKE CANTU AND VAN HOLT TO OUR POLICE STATION AND STAY WITH THEM AND INSURE NO ONE ENGAGED THEM IN CONVERSATION ABOUT THE SHOOTING INCIDENT.

I THEN NOTIFIED THE DESK VIA RADIO TO CONTACT ORANGE SHERIFF'S, HOMICIDE DETAIL AND HAVE THEM RESPOND TO CONDUCT AN OFFICER INVOLVED SHOOTING INVESTIGATION. I ALSO REQUESTED ORANGE CRIME SCENE TECHNICIANS RESPOND TO RECOVER ANY AND ALL EVIDENCE. I ASKED THE STATION TO CONTACT CHIEF GUESS OF THE INCIDENT AND ADVISE I WOULD CONTACT HIM LATER WITH DETAILS AS THEY BECAME AVAILABLE. I ASSIGNED OFFICER STALEY OF THE SEAL BEACH POLICE DEPARTMENT TO SAFEGUARD THE EVIDENCE IN THE STAIRWELL. SEAL BEACH OFFICER JOHN SCOTT WAS ASSIGNED TO LOG ALL PARTIES ENTERING OR LEAVING THE CRIME SCENE. I ALSO

PREPARED BY:
DATE:



APPROVED BY:
DATE:

LOS ALAMITOS POLICE DEPARTMENT
NARRATIVE REPORT

OBSERVED FIRE PERSONNEL WORKING ON THE PATIENT ON THE KITCHEN FLOOR. AS SOON AS MEDICAL PERSONNEL REMOVED THE PATIENT , I ORDERED ALL PERSONNEL OUT OF THE CRIME SCENE EXCEPT SGT. FARRIS AND OFFICER MILLER WHO WERE ASSIGNED TO STAY IN THE APARTMENT TO INSURE ALL EVIDENCE WAS PROPERLY PRESERVED. I ASSIGNED DETECTIVE JESSEN TO GO TO THE POLICE STATION AND OBTAIN A STATEMENT FROM THE [REDACTED] OF THE SUSPECT. SGT. VAN TILBORG WHO WAS AT THE SCENE TRANSPORTED THE [REDACTED] AND [REDACTED] TO THE POLICE STATION AND TURNED THEIR CARE OVER TO SGT. JESSEN. OFFICER DELEON WHO WAS AT THE SCENE WAS ASSIGNED TO ACCOMPANY THE PATIENT AND PARAMEDICS TO LOS ALAMITOS MEDICAL CENTER AND STANDBY. DETECTIVE KELLEY WAS NOTIFIED VIA PHONE TO RESPOND TO THE HOSPITAL AND RELIEVE DELEON.

I STOOD BY AT THE SCENE AND ACTED AS DEPARTMENT LIAISON UNTIL APPROXIMATELY 2245 HRS. AT WHICH TIME I CAME TO THE STATION AND WROTE THIS REPORT.

WHILE AT THE SCENE I ALSO ORDERED SGT. FARRIS TO PHOTOGRAPH AND VIDEO THE INTERIOR OF THE APARTMENT. THOSE ITEMS WERE LATER RELEASED BY FARRIS TO ORANGE COUNTY I.D. PERSONNEL.

AT THE REQUEST OF SGT. SIDEBOTHAM ORANGE SHERIFF HOMICIDE SUPERVISOR I ASSIGNED ALL PERSONNEL AT THE SCENE TO WRITE A REPORT OF THEIR INVOLVEMENT. THIS INCLUDED VAN HOLT AND CANTU WHO WERE ADVISED BY SGT. JESSEN AT MY DIRECTION.

GARY BIGGERSTAFF
OPERATIONS COMMANDER
LOS ALAMITOS POLICE DEPARTMENT

PREPARED BY:
DATE:

APPROVED BY:
DATE:

LOS ALAMITOS POLICE DEPARTMENT
NARRATIVE REPORT

PAGE: 1

CASE: 93-0155

ON JANUARY 23, 1993 AT 1748 HOURS, I DROVE TO 3572 HOWARD # 4 IN RESPONSE TO AN OFFICER INVOLVED SHOOTING. I RAN INSIDE THE APARTMENT BEHIND OFFICER MILLER OF THE SEAL BEACH POLICE DEPARTMENT. INSIDE, I OBSERVED THE FOLLOWING:

CPL. CANTU WAS IN THE KITCHEN, ON HIS KNEES WITH A PAIR OF HANDCUFFS IN HIS HAND. HE WAS KNEELING OVER A WHITE MALE SHOOTING VICTIM THAT APPEARED LIFELESS. THE SHOOTING VICTIM WAS ON HIS BACK, FEET POINTED NORTH AND HIS HEAD SOUTH. HIS FACE WAS POINTED WEST. HIS EYES AND MOUTH WERE OPEN AND HE WAS LAYING IN BLOOD.

IN THE LIVING ROOM, OFFICER VAN HOLT WAS ATTEMPTING TO CONTROL A [REDACTED] WHO WAS ON THE FLOOR CRYING FOR SOMEONE TO HELP [REDACTED]. OFFICER MILLER WENT TO THE AID OF OFFICER VAN HOLT. IN A SHORT PERIOD OF TIME, THE ORANGE COUNTY PARAMEDICS, UNDER THE DIRECTION OF CPT. BISHOP ENTERED THE APARTMENT.

I SEARCHED THE TWO BEDROOMS AND BATHROOMS FOR OTHER PEOPLE BUT THERE WAS NO ONE IN THOSE ROOMS. I RETURNED TO THE LIVING ROOM AND DIRECTED OFFICER MILLER TO REMOVE THE [REDACTED] FROM THE APARTMENT. OFFICER VAN HOLT WENT INTO THE KITCHEN AREA AND HELD AN I.V. BAG FOR THE PARAMEDICS. UPON OFFICER MILLER RETURNING, I HAD HIM TRADE PLACES WITH OFFICER VAN-HOLT.

OFFICER VAN HOLT TOLD ME THAT BOTH HE AND CPL. CANTU SHOT THE VICTIM FROM THE DOORWAY. OFFICER VAN HOLT OFFERED NO OTHER DETAILS REGARDING THE SHOOTING.

CPL. CANTU WAS STILL IN THE KITCHEN ASSISTING PARAMEDICS WHEN THE TWO AMBULANCE PEOPLE ARRIVED WITH A BACK BOARD. I HAD CPL. CANTU STEP AWAY FROM THE KITCHEN AND TALK WITH ME. CANTU SAID NEITHER OFFICER VAN HOLT OR HE HAD BEEN INJURED BY THE SUSPECT. OFFICER VAN HOLT AND CPL. CANTU REMAINED IN THE LIVING ROOM WITH ME UNTIL COMMANDER BIGGERSTAFF ARRIVED. COMMANDER BIGGERSTAFF MADE ARRANGEMENTS HAVING BOTH VAN HOLT AND CANTU DRIVEN BACK TO THE POLICE STATION.

WHILE INSIDE THE APARTMENT, THE LIGHTING, VENTILATION, AND PROPERTY REMAINED UNCHANGED EXCEPT FOR THE PARAMEDICS MOVING THE KITCHEN TABLE AND CHAIRS TO ALLOW THEM ACCESS TO WORK ON THE SHOOTING VICTIM. PARAMEDICS ALSO LOWERED THE VOLUME OF THE TELEVISION SO THEY COULD HEAR THEIR RADIOS AND TALK ON THE TELEPHONE. THE TELEVISION HAD BEEN ON AT SUCH A HIGH VOLUME IT WAS DIFFICULT TO TALK TO EACH OTHER INSIDE THE APARTMENT.

WRITTEN BY: FARRIS #020
DATE: 1-24-93

APPROVED BY: FARRIS #020
DATE: 1-24-93

LOS ALAMITOS POLICE DEPARTMENT
NARRATIVE REPORT

I OBSERVED A WALTHER PPK/S 380 AUTO, COCKED AND A MAGAZINE IN IT, ON THE FLOOR BETWEEN THE KITCHEN AND LIVING ROOM. THE PISTOL WAS APPROXIMATELY FIVE FEET AWAY FROM THE VICTIM. I ALSO SAW THREE HUNTING KNIVES IN THE WEST BEDROOM ALONG WITH A LOADED SINGLE SHOT, SAWED OFF SHOTGUN, AND A GREEN REMINGTON BOX THAT WAS MARKED MODEL 11-87.

I REMAINED INSIDE THE APARTMENT AND TOOK TWO ROLLS OF 35 M/M FILM AND A VIDEO TAPE. I STAYED INSIDE THE APARTMENT UNTIL RELIEVED BY THE ORANGE COUNTY CRIME SCENE. I GAVE THE FILM AND VIDEO TAPE TO INV. JOHNSON OF O.C.S.D.

WRITTEN BY: FARRIS #020
DATE: 1-24-93

APPROVED BY: FARRIS #020
DATE: 1-24-93

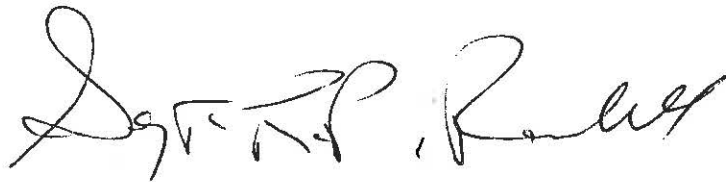
JANUARY 23, 1993

OCSD# 93-04064
OCID# 93-40877
LAPD# 93-155

STATEMENT OF SGT. RANDELL

I RESPONDED TO A 998 CALL AT THE SCENE OF A LOS ALAMITOS O.I.S. UPON ARRIVAL I MET WITH COMMANDER BIGGERSTAFF FROM LOS ALAMITOS P.D. I GAVE HIM THE SEAL BEACH CELLULAR PHONE AND THEN TRANSPORTED OFFICERS CANTU AND VANHOLT TO THEIR POLICE STATION. I WAITED WITH THEN FOR THE ARRIVAL OF THEIR L.D.F. ATTORNEY. OFFICER CANTU WAS FEELING GREAT DISCOMFORT IN HIS RIGHT KNEE. WITH THE APPROVAL OF COMMANDER BIGGERSTAFF I TOOK OFFICER CANTU TO THE LOS ALAMITOS HOSPITAL FOR TREATMENT. AFTER HIS MEDICAL ATTENTION I RETURNED WITH HIM TO THE LOS ALAMITOS POLICE STATION.

OFFICER CANTU THEN STAYED WITH OFFICER VANHOLT AT THEIR STATION WAITING THE ARRIVAL OF O.C.I.D. TECH GARY JACKSON. I WAS THEN RELEASED.

A handwritten signature in black ink, appearing to read "Sgt. R. P. Randell". The signature is stylized with a large, looping initial 'S' and a cursive 'Randell'.

OCID# 93-40877 OCSD# 93-04064 LAPD# 93-155
STATEMENT: JERRY ELLISON #100
SEAL BEACH P.D.

I HEARD A RADIO CALL OF "998" FROM A LOS ALAMITOS UNIT. I SOON AFTERWARDS HEARD THE ADDRESS REBROADCAST AND RESPONDED TO THAT AREA. I ASSISTED IN TRAFFIC CONTROL IN THAT AREA. I WAS ASKED TO RESPOND TO LOS ALAMITOS P.D. TO ASSIST WITH MAINTAINING A VIGIL WITH [REDACTED] OF THE INDIVIDUAL INVOLVED IN THE ALTERCATION WITH THE LAPD OFFICERS.

AT LAPD I WAS IN ATTENDANCE WITH SGT. J. JESSEN LAPD DURING AN INTERVIEW WITH THE WIFE. ALSO IN ATTENDANCE [REDACTED] I BELIEVE. BOTH [REDACTED] LEFT LAPD BEFORE THE ARRIVAL OF THE OCSD INVESTIGATORS. I WAS ASKED BY SGT JESSEN TO RESPOND TO LOS ALAMITOS HOSPITAL TO STAND BY TO ASSIST THE HOSPITAL STAFF IF NEEDED.

I ARRIVED AT THE HOSPITAL AND MET WITH LAPD DETECTIVE D. KELLEY IN THE E.R. I STOOD BY WITH DETECTIVE KELLEY DURING THE TIME THE CORONER INSPECTED THE DECEASED. I WAS RELIEVED BY DETECTIVE KELLEY AND SUBSEQUENTLY RESPONDED TO LAPD.

J. Ellison #100
1-23-93

LOS ALAMITOS POLICE DEPARTMENT
NARRATIVE REPORT

PAGE 1

CASE 93-155

SGT VAN TILBORG
LOS ALAMITOS PD

AT ABOUT 1750 HRS I WAS IN THE POLICE STATION AND HEARD OUR OFFICERS WERE INVOLVED IN A SHOOTING AT 3572 HOWARD AVE. I DROVE TO THE SCENE AND SAW SEAL BEACH AND CYPRESS POLICE CARS WERE ALREADY ON THE SCENE. I LOCATED THE APARTMENT BUILDING AND MET SGT IDOM FROM THE CYPRESS POLICE DEPARTMENT AT THE BOTTOM OF THE STAIR WELL. HE EXPLAINED HE HAD SEVERAL OFFICERS ASSIGNED TO VARIOUS DUTIES.

CYPRESS OFFICERS HAD PROVIDED SGT IDOM WITH SEVERAL NOTES CONTAINING THE NAMES, ADDRESSES AND PHONE NUMBERS OF POSSIBLE WITNESSES. SGT IDOM HANDED THEM TO ME AND I KEPT THEM UNTIL THE SHERIFF'S INVESTIGATORS ARRIVED.

I ALSO MADE CONTACT WITH [REDACTED] WHO WAS WITH A [REDACTED] AND WAS NOT INVOLVED IN THE INCIDENT. [REDACTED] ARRIVED AFTER THE INCIDENT TOOK PLACE TO BE WITH [REDACTED]. I TRANSPORTED [REDACTED] AND [REDACTED] TO THE LOS ALAMITOS POLICE STATION WHERE SHE COULD PROVIDE A STATEMENT TO DETECTIVE SGT JESSEN. I THEN RETURNED BACK TO THE HOWARD ADDRESS AND CONTACTED COMMANDER BIGGERSTAFF.

WHILE BACK AT THE SCENE I ALSO CONTACTED SHERIFF INVESTIGATORS WHO I HANDED THE NOTES WRITTEN BY CYPRESS OFFICERS. I LEARNED [REDACTED] LEFT THE POLICE STATION AND WENT TO THE HOSPITAL. I THEN LEFT THE HOWARD ADDRESS AND ALSO WENT TO THE LOS ALAMITOS HOSPITAL. THERE I MET WITH DETECTIVE KELLEY AND LEARNED [REDACTED] (BYRD, SYLVAN RANDALL DOB 8-18-52) WAS DECEASED.

AFTER I OBTAINED THAT INFORMATION I LEARNED SHERIFF INVESTIGATORS HAD ALSO ARRIVED AT THE HOSPITAL AND WERE CONDUCTING AN INTERVIEW WITH [REDACTED].

I TELEPHONED SGT IDOM AND ASKED HIM TO PROVIDE A STATEMENT WHICH HE DELIVERED TO THE POLICE STATION. I ALSO COLLECTED WRITTEN STATEMENTS FROM SGT RANDELL AND OFFICER ELLISON BOTH FROM SEAL BEACH PD. DEPUTY L MCDONALD FROM THE SHERIFF'S DEPARTMENT PROVIDED HER STATEMENT WHICH I PLACED IN THE REPORT FILE.

REPORTED BY: *Van Tilborg*
DATE: 1-23-93

REVIEWED BY: *J. J.*
DATE: 1/23/93

PRIORITY: ☐ Yes
☒ No

SHERIFF'S DEPARTMENT
 ORANGE COUNTY
 SANTA ANA, CALIFORNIA

3. ☐ INITIAL NON-CRIMINAL
 4. ☐ INITIAL-CRIMINAL
 5. ☒ FOLLOW-UP CRIMINAL
 6. ☐ CONTINUATION PAGE NO.

BRAD GATES, SHERIFF-CORONER

LAST NAME FIRST-SPELL OUT WHEN DICTATING

FOLLOW-UP REPORT

7. OFFENSE AOA STA. 48 LOS ALAMITOS P.D.	8. LOCATION OF OCCURRENCE 3572 HOWARD LOS ALAMITOS
9. VICTIM/INFORMANT CONTROL I RED CHANNEL BROADCAST	10. DATE AND TIME OF OCCURRENCE 1-23-93 - 1750 HOURS
	11. GRID 14B2

12. DETAILS OF INCIDENT: AT 1750 HOURS, LOS ALAMITOS P.D. BROADCAST A 998 OVER CONTROL I RED CHANNEL. I RESPONDED TO 3572 HOWARD AND MADE CONTACT WITH [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]. I DETAINED THEM DUE TO OFFICERS J. SCOTT AND J. MILLER S.B.P.D. ESCORTING AN UNCOOPERATIVE AND HYSTERICAL [REDACTED] DOWN THE STAIRS. I THEN WENT UP THE STAIRS AND ESCORTED [REDACTED] [REDACTED] [REDACTED] [REDACTED] ACROSS THE HALL DOWN THE STAIRS TO [REDACTED] [REDACTED] [REDACTED] I WAS THEN ASKED BY OFFICER J. SCOTT TO SIT WITH THE HYSTERICAL [REDACTED] IDENTIFIED AS [REDACTED] AND TRY TO CALM [REDACTED] DOWN. I SPENT APPROXIMATELY 4-6 MINUTES ATTEMPTING TO CALM [REDACTED] DOWN, BUT I FOUND IT EXTREMELY DIFFICULT DUE TO [REDACTED] INTOXICATION. [REDACTED] ASKED ME TO TRY AND FIND OUT THE CONDITION OF [REDACTED] I THEN WENT UP STAIRS TOWARDS THE APARTMENT. OFFICER M. VAN HOLT WAS STANDING AT THE APT. DOORWAY. HE TOLD ME THEY NEEDED A CAMERA. I WENT TO MY PATROL UNIT, RETRIEVED MY POLAROID AND ALSO OBTAINED A 35mm CAMERA FROM S.B.P.D. OFFICER J. ELLISON. I TOOK BOTH CAMERA'S UPSTAIRS AND GAVE THEM TO OFFICER S. STALEY AT THE

13. INVESTIGATING OFFICERS

REPORT BY

14. DATE OF REPORT

15. APPROVED

T. ADAMS #4073

L. McDONALD #812

1-23-93

FRONT DOORWAY TO THE APARTMENT. I BRIEFLY SPOKE WITH OFFICERS, M. VAN HOLT AND V. CANTU. I ASKED THEM BOTH IF THEY WERE OK. THEY BOTH SAID THEY WERE FINE. WE DID NOT DISCUSS ANY DETAILS OF THE CALL OR THE SHOOTING. I WAS THEN ASKED TO BLOCK OFF KATELLA AT HOWARD TO ALL TRAFFIC SO THE LIFEFLIGHT HELICOPTER COULD LAND. I ASSISTED IN TRAFFIC CONTROL FOR APPROXIMATELY 15 MINUTES.

WHEN LIFEFLIGHT WAS CLEAR I WAS RELIEVED OF MY DUTIES AND I ADVISED MY DISPATCH THAT I WAS BACK IN SERVICE AT 1840 HOURS.

I HAD A RESERVE RIDE ALONG WITH ME AT THIS TIME. OFFICER T. ADAMS #4073R WAS WITH ME UNTIL APPROXIMATELY 1758 HOURS WHEN HE WAS DISPATCHED TO ASSIST OFFICER R. REMMET ON A CALL AT 12771 SILVER FOX. HE LEFT THE AREA AT THAT TIME.

DR#93-155

3572 HOWARD, LOS ALAMITOS

PROPERTY OWNER/MANAGER

B.I Properties - [REDACTED]

VICTIM'S [REDACTED]

NEIGHBORS & WITNESSES

(NOTES: Screaming at each other-throwing
objects - 30 min between start of fight & shots-
Female crying/hysterical)

(NOTES: Came home - heard arguing,
fighting, sobbing - don't do anything again
to make me hurt you - talk back ??)

3572 HOWARD #4 - LOS ALAMITOS - 9300518 OUR DR #

SGT. STANTON # 3623

SGT. IDOM # 3629

SGT. JORDAN # 3653

ROBINSON #7511

COTE # 7706

SOLORZA # 7461

BALDWIN # 7653

RAMSEY, K. # 7598

RAMSEY, S. # 7584

LASSALLE # 7700

[illegible]

ITEM NUMBER(S) _____ PLACED IN _____ BY _____

ITEM NUMBER(S) _____ PLACED IN _____ BY _____

ITEM NUMBER(S) _____ PLACED IN _____ BY _____

[illegible]

Item Number(s) _____ ☐ Returned to Owner ☐ Returned to Finder ☐ Auctioned
☐ Destroyed ☐ _____

By: _____ Date: _____

I hereby acknowledge receipt of the property

Signed

Item Number(s) _____ ☐ Returned to Owner ☐ Returned to Finder ☐ Auctioned
☐ Destroyed ☐

By: _____ Date: _____

I hereby acknowledge receipt of the property

Signed

ITEM NUMBER(S) _____ PLACED IN _____ BY _____

ITEM NUMBER(S) _____ PLACED IN _____ BY _____

ITEM NUMBER(S) _____ PLACED IN _____ BY _____

[illegible]

Item Number(s) _____ ☐ Returned to Owner ☐ Returned to Finder ☐ Auctioned
☐ Destroyed ☐ _____

By: _____ **Date:** _____

I hereby acknowledge receipt of the property

Signed

Item Number(s) ☐ Returned to Owner ☐ Returned to Finder ☐ Auctioned

By: _____ **Date** _____

I hereby acknowledge receipt of the property

Signed

PAGE ____ OF ____	Los Alamitos Police Department PROPERTY REPORT	CASE # 93-0155
LAB ANALYSIS NEEDED		Refer Other Reports:
EVIDENCE: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> CHARGE: 187 P.C.		DATE 1-24-93

E = Evidence S = Stolen R = Recovered F = Found K = Safekeeping D = Damaged

PKG #	CODE	ITEM #	DESCRIPTION	SERIAL NUMBER	VALUE
1	E	1	VIDEO FROM LA3	98	
			VAN HOLT'S UNIT		
2	E	2	VIDEO FROM LA1	90	
			CANTU'S UNIT		

PKG # 1 & 2	PLACED IN # 6	BY FARRIS
PKG #	PLACED IN	BY
PKG #	PLACED IN	BY
Reporting Officer FARRIS #020		Approved By FARRIS #020



BRAD GATES
SHERIFF-CORONER

**SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA**

TELECOPY TRANSMITTAL SHEET

DATE: 7-6-93 TIME: 1650 NUMBER OF PAGES: 2
(INCLUDES COVER PAGE)

TO: CHIEF GARY BIGGERSTAFF
NAME
Los Alamitos P.D.
LOCATION
(310) 431-6499
FAX PHONE NUMBER

OFFICE PHONE NUMBER

FROM: Sgt. Jim Sidebotham
NAME
Sheriff's Homicide
LOCATION
647-4519
FAX PHONE NUMBER

OFFICE PHONE NUMBER

MESSAGES:

Post-It™ telephone message pad 7660

To: Chief
Date: 7-6 Time: 1656
WHILE YOU WERE OUT
M: Sgt. Sidebotham
of: O.C.S.O.
Phone No. _____
TELEPHONED ☒ PLEASE CALL
WAS IN TO SEE YOU ☐ WILL CALL BACK
WANTS TO SEE YOU ☐
RETURNED YOUR CALL ☐ **URGENT**

IF THERE ARE ANY QUESTIONS
PAGES CALL (714)

GIVE ALL OF THE

550 N. FLOWER STREET

P.O.

'02

(714) 647-7000



OFFICE OF THE

DISTRICT ATTORNEY

ORANGE COUNTY, CALIFORNIA

MICHAEL R. CAPIZZI, DISTRICT ATTORNEY

RECEIVED

JUL 6 1993

5:00 PM

MAURICE L. EVANS
CHIEF ASSISTANT

July 6, 1993

JOHN D. CONLEY
DIRECTOR
MAJOR OFFENSES

JAN J. NOLAN
DIRECTOR
SUPERIOR COURT

BRENT F. ROMNEY
DIRECTOR
MUNICIPAL COURT

WALLACE J. WADE
DIRECTOR
SPECIAL OPERATIONS

LOREN W. DUCHESNE
CHIEF
BUREAU OF INVESTIGATION

PLEASE REPLY TO:

☐ CENTRAL OFFICE
700 CIVIC CENTER DR. W.
P.O. BOX 808
SANTA ANA, CA 92701
(714) 834-3600

☐ NORTH OFFICE
1275 N. BERKELEY AVE.
FULLERTON, CA 92631
(714) 773-4480

☐ WEST OFFICE
8141 13TH STREET
WESTMINSTER, CA 92683
(714) 896-7261

☐ SOUTH OFFICE
30143 CROWN VALLEY PKWY.
LAGUNA NIGUEL, CA 92677
(714) 249-5026

☐ HARBOR OFFICE
4601 JAMBOREE BLVD.
NEWPORT BEACH, CA 92660
(714) 476-4650

☐ JUVENILE OFFICE
341 CITY DRIVE SOUTH
ORANGE, CA 92668
(714) 935-7624

☐ MAJOR FRAUD
CONSUMER PROTECTION
405 W. 5TH STREET
SUITE 606
SANTA ANA, CA 92701
(714) 568-1200

Gary Biggerstaff, Acting Chief of Police
Los Alamitos Police Department
3201 Katella
Los Alamitos, CA 90720

Dear Chief Biggerstaff:

Our office has received the Orange County Sheriff Department's investigation into the Officer Involved Shooting death of Sylvan Randall Byrd, which occurred on January 23, 1993. We have reviewed the entire investigation including: Los Alamitos Police reports, Orange County Sheriff's reports, Orange County Coroner's reports and Orange County Crime Lab reports. We also attended the Orange County Coroner's review which determined the medical cause and classification of death.

It is our opinion that at this time, there is insufficient evidence of criminal culpability on the part of any Los Alamitos Police personnel involved in this incident.

Sincerely,

Christopher J. Evans
Deputy in Charge
Homicide Unit

CJE:iv



OFFICE OF THE
DISTRICT ATTORNEY
 ORANGE COUNTY, CALIFORNIA
 MICHAEL R. CAPIZZI, DISTRICT ATTORNEY

*Deane -
For File*

MAURICE L. EVANS
 CHIEF ASSISTANT

July 6, 1993

JOHN D. CONLEY
 DIRECTOR
 MAJOR OFFENSES

JAN J. NOLAN
 DIRECTOR
 SUPERIOR COURT

BRENT F. ROMNEY
 DIRECTOR
 MUNICIPAL COURT

WALLACE J. WADE
 DIRECTOR
 SPECIAL OPERATIONS

LOREN W. DUCHESNE
 CHIEF
 BUREAU OF INVESTIGATION

Gary Biggerstaff, Acting Chief of Police
 Los Alamitos Police Department
 3201 Katella
 Los Alamitos, CA 90720

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Sincerely,

C. Evans

Christopher J. Evans
 Deputy in Charge
 Homicide Unit

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☐ CENTRAL OFFICE
 700 CIVIC CENTER DR. W.
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 (714) 935-7624

☐ MAJOR FRAUD
 CONSUMER PROTECTION
 405 W. 5TH STREET
 SUITE 606
 SANTA ANA, CA 92701
 (714) 568-1200

CJE:iv

LOS ALAMITOS POLICE DEPARTMENT
NARRATIVE REPORT

PAGE: 1

CASE: 93-0155

DURING THE WEEK OF JANUARY 11, 1993, I ASSIGNED OFFICERS ON MY WATCH RESEARCH PROJECTS TO BE PRESENTED ON VARIOUS DATES FOR BRIEFING. JANUARY 23, 1993, WAS OFFICER VAN HOLT'S ASSIGNED TIME TO MAKE HIS PRESENTATION. HIS ASSIGNMENT WAS THE DEPARTMENTAL SHOOTING POLICY.

OFFICER VAN HOLT STARTED HIS PRESENTATION BY PASSING OUT COPIES OF THE RULES AND REGULATIONS SECTIONS COVERING THE SHOOTING POLICY. HE USED A YELLOW HIGH LITER ON DIFFERENT AREAS OF THE POLICY. THE PRESENTATION STARTED AT APPROXIMATELY 1640 HOURS, AND CONCLUDED AT APPROXIMATELY 1705 HOURS. OFFICER VAN HOLT READ THE SHOOTING POLICY, EXPLAINED ITS MEANING, AND ANSWERED QUESTIONS ASKED BY OFFICERS. OFFICER VAN HOLT SPENT EXTRA TIME ON THE AREAS HE USED THE HIGH LITER ON.

IN ATTENDANCE DURING THIS BRIEFING WERE THE FOLLOWING OFFICERS:

SGT. FARRIS
CPL. DELEON
CPL. CANTU
OFF. CONTE
OFF. HAYES

ATTACHED IS THE COPY OF THE DEPARTMENTAL SHOOTING POLICY I RECEIVED FROM OFFICER VAN HOLT DURING HIS PRESENTATION. THE INFORMATION GIVEN OUT BY OFFICER VAN HOLT WAS IN ACCORDANCE WITH ALL POLICIES AND RULES AND REGULATIONS OF THE LOS ALAMITOS POLICE DEPARTMENT.

REPORTED BY: *FARRIS #020*
DATE *1-28-93*

REVIEWED BY: *FARRIS #020*
DATE *1-28-93*

APL

Los Alamitos Police Department
RULES & REGULATIONS

SECTION 1. 12 WEAPONS (Continued)

1.12.4 FIREARMS STORAGE

All unattended firearms shall be securely stored under lock at all times.

1.12.5 FIREARMS REQUIRED ON DUTY

All on duty Officers shall at all times be armed, unless a temporary exception has been made.

1.12.6 FIREARMS IN PLAINCLOTHES, CONCEALED

While outside the police building, all Officers in plainclothes shall carry their firearm in such a way that it is concealed from view.

1.12.7 DISPLAY OF FIREARMS

Employees shall not display any firearm unnecessarily nor carelessly handle a firearm at any time. "Dry firing" of weapons shall be confined to the pistol range or as permitted by Department Order.

1.12.8 SHOOTING POLICY

This policy shall apply to all sworn employees of the department, whether on or off duty.

I. APPLICATION

A. Fleeing Felon

While the law permits the use of deadly force, reasonably and necessarily used, in the attempt to apprehend a fleeing felon, an officer must consider the following points:

1. Are you convinced beyond a reasonable doubt that a felony has been committed?
2. Are you convinced that it was committed by the person fleeing?
3. Are you convinced that an innocent bystander will not be injured?
4. Are you convinced that the nature of the crime involved is severe enough to justify the use of deadly force?

Los Alamitos Police Department
RULES & REGULATIONS

SECTION 1. 12 WEAPONS (Continued)

1.12.8

A. Fleeing Felon (continued)

5. Do you have reason to believe that the felon may commit a violent crime if not taken into custody immediately?
6. Are you convinced that you have exhausted all other means of apprehension?

B. Defense of Life

1. Deadly force may be used in defense of your life or that of another when there is imminent danger.

C. Fleeing Auto

When in pursuit of a person fleeing in a vehicle, an officer should not fire his or her weapon even though the felon has been given the opportunity but fails or refuses to surrender, unless there is an imminent peril. The points to consider as outlined above should be applied, not only to the driver, but also to any passenger who might be endangered or killed.

D. Special Circumstances

In any situation in which the officer knows or has reason to believe that the subject is a juvenile or a mentally incompetent person, the officer should, if at all possible, be even more restrictive in his or her use of deadly force.

E. Warning Shots

Except under extremely unusual circumstances which must be justified to the Chief of Police, an Officer shall not fire warning shots.

F. Injured Animals

An officer may, at the discretion of the Watch Commander, use his or her service weapon to kill an injured animal when the circumstances are such that no other alternative is available for the disposition of the animal. The officer must give careful consideration to the safety of the public and other officers prior to taking such action.

- G. Police Officers will not unreasonably or unnecessarily endanger themselves or the public in applying this policy.

AZL

Los Alamitos Police Department
RULES & REGULATIONS

SECTION 1.12 WEAPONS (Continued)

1.12.8 II. INTENT:

This statement of policy and the accompanying rules are for internal department use only and are not to be applied in any criminal or civil proceeding, nor do they create a higher legal standard of safety or care with respect to third parties. Violations of the rules based on this policy will only be the basis of administrative discipline, while violations of the law will be the basis for criminal and criminal penalties in a court of law.

1.12.9 DISCHARGE OF FIREARMS, REPORT REQUIRED

Any employee who discharges a firearm, for other than recreational purposes or at a firing range, whether accidentally or intentionally, shall make a verbal report to a superior officer as soon as circumstances permit, and shall file a written report with the Chief of Police as soon as practical. If on duty, the report shall be submitted prior to the end of the officer's tour of duty. The Watch Commander shall be responsible for submitting a supplemental investigative report on the incident.

1.12.10 FIREARMS QUALIFICATION

This policy shall apply to all sworn personnel of the Department.

i. Procedure

- A. All sworn personnel shall fire their duty weapons on the prescribed courses at the Long Beach Police Range every other calendar month.
- B. A qualifying score must be attained for those courses in which a score is given.
 - 1. For those courses which have no qualifying score, proof of shooting the course is sufficient.
 - 2. Proof of shooting the course shall consist of a completed range slip signed by the Long Beach Rangemaster.

**Los Alamitos Police Department
SUPERVISOR'S LOG**

W/C NAME FARRIS	DATE 1-23-93	WATCH 2	UNIT 6	PACKSET 999	VIDEO TAPE READING 300
---------------------------	------------------------	-------------------	------------------	-----------------------	----------------------------------

DEPLOYMENT						
ASSIGNMENT	NAME	UNIT	PACKSET#	ETS	RADAR	VIDEO TAPE READING
NORTH	CONTE	2	882	YES		300
NORTH TAC	DELEON	5	714			300
SOUTH	VANHOLT	3	989		YES	300
SOUTH TAC	CANTU	1	985			277

<p align="center">BRIEFING Training Films or Other Training</p> <p>Describe: <u>SHOOTING Policy by VANHOLT</u></p>	<p align="center">MAJOR CALLS</p> <p>Describe: <u>CANTU & VANHOLT</u> <u>SHOT A MAN.</u></p>
<p align="center">UNIT INSPECTION Damage <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p>	<p align="center">Press Release <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p align="center">EQUIPMENT FAILURES <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p>	<p align="center">NUMBER OF ARRESTS _____</p>
<p align="center">OFFICER INJURY <u>CANTU KNEE</u> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Workers Comp Filed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p align="center">NUMBER OF CITATIONS _____</p>
<p align="center">SUSPECT/CITIZEN INJURY <input type="checkbox"/> Yes <input type="checkbox"/> No Potential Claim Filed <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p align="center">UNUSUAL CIRCUMSTANCES See Comment Section <input type="checkbox"/> Pursuit <input type="checkbox"/> Yes <input type="checkbox"/> No Pursuit Critique <input type="checkbox"/> Yes <input type="checkbox"/> No Mutual Aid <input type="checkbox"/> Yes <input type="checkbox"/> No Agency Assist <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p align="center">EMPLOYEE COUNSELLING <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p align="center">DETECTIVE CALL OUT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Describe (211,459, etc.) <u>187</u></p>
<p align="center">RANGE QUALIFICATION <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p align="center">CITIZEN COMPLAINT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Formal _____ Informal <u>X</u></p>
<p align="center">CONFIDENTIAL MEMORANDUM TO DIVISION COMMANDER <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>OTHER COMMENTS:</p>	

LOS ALAMITOS POLICE DEPARTMENT
NARRATIVE REPORT

PAGE: 1

CASE: 93-0155

ATTACHED IS A COPY OF THE 1992 RANGE QUALIFICATION RECORD OF ALL FULL TIME OFFICERS OF THE LOS ALAMITOS POLICE DEPARTMENT. OFFICERS CANTU AND VAN HOLT MET STANDARDS BY QUALIFYING AT LEAST ONE TIME EVERY TWO MONTHS.

WHEN QUALIFYING, CPL. CANTU USED HIS SPRINGFIELD ARMORY. MODEL 1911-A1, .45 CAL, SERIAL NUMBER NM1924.

OFFICER VAN HOLT QUALIFIED USING HIS COLT GOVERNMENT MODEL, .45 CAL, SERIAL NUMBER 307248C.

REPORTED BY: *FARRIS #020*
DATE *1-28-93*

REVIEWED BY: *FARRIS #020*
DATE *1-28-93*

ARL

72-97

Los Alamitos Police Department
DR#93-0155
Taped Interview of **OFFICER MARK VAN HOLT** by Lt. Swearingen

Lt: I'm Lt. Duane Swearingen. The date is July 16th 1993. The time is 0927 hours. I have with me Officer Mark VanHolt and his attorney Diane Vasquez. I will be interviewing Officer VanHolt in regards to DR#93-0155. This will be an administrative interview only. Mark I will read you your Peace Officer Bill of Rights at this time. You have the right to know who will be conducting this interview, that's myself. You have the right to know the nature of the investigation prior to any interrogation, and you know what that is. That involves the shooting that occurred on Howard Street. You have the right to a representative of your choice present during the interview, and you have Diane with you. You have the right to tape record this interview with your own personal tape recorder, and I see that's being done. Should it become necessary to interview you a second time reference this investigation, a copy of this interview will be made available to you prior to the second interview. Do you understand your rights?

A: Yes I do.

Q: Sign here please. Okay I'll now read you your Miranda rights. You have the right to remain silent, you understand?

A: Yes I do.

Q: Anything you say may be used against you in court. Do you understand that?

A: Yes I do.

Q: You have the right to an attorney before and during any questioning, do you understand?

A: Yes I do.

Q: If you cannot afford an attorney one will be appointed for you before questioning, do you understand that?

A: Yes.

Q: Can we talk about what happened?

A: No.

Q: Okay. I will now read you the Lybarger Advisement. In the event that you refuse to waive your Miranda Rights and according to the Lybarger vs. Los Angeles Decision, we must advise you that the interview at this point will be administrative and no part of the interview or information that is derived from this interview may be used in a criminal investigation. However, at the same time, since this is an administrative, I must remind you that you must answer the questions and should you refuse to answer any of the questions that at some future date you may be charged with insubordination. Do you understand that?

A: Yes I do.

Q: So therefore I am ordering you to answer my questions. Okay Mark, would you tell me what occurred on January 23rd, 1993, at approximately 1741 hours at 3572 Howard. Do you recall this incident?

A: Yes I do.

Q: Okay. Would you tell me what occurred?

Los Alamitos Police Department
DR#93-0155
Taped Interview of **OFFICER MARK VAN HOLT** by Lt. Swearingen

A: On that date I was on duty in a marked patrol car in full police uniform assigned to patrol. Myself and Corporal Cantu were dispatched to that address, 3572 Howard, in regards to some type of disturbance, a family disturbance. I recall that Vic had arrived shortly before I did and when I pulled up his car was already parked on Howard Street, almost right in front of the apartment complex. Vic was not near his car so I had assumed that he had walked to the apartment. I parked my patrol car right behind his and got out of my patrol car and walked down the west side of the apartment complex looking for Corporal Cantu. About midway down the walkway I suppose it was, I looked upstairs and I saw Corporal Cantu at the top of a stairway. Corporal Cantu saw me downstairs and he put his finger in front of his lips asking me to be quiet and it appeared that he was listening to what was going on inside the apartment. I walked up the stairs quietly. I had turned down my radio slightly, and when I got to the top of the landing, Vic pointed to the apartment, which was number 4, saying that the disturbance or argument, and I don't recall specifically what he told me - but the disturbance was coming from this apartment. I recall advising Dispatch on my radio that the disturbance was at Apartment #4 and that's my recollection and they acknowledged that transmission. At that point both Vic and continued to listen just briefly, maybe another 10 or 15 seconds.

While we were waiting, I recall a [REDACTED] coming to the bottom of the landing and I'm not sure if [REDACTED] wanted to come up the landing or if [REDACTED] was seeing what we were doing, but I pointed to [REDACTED] and motioned [REDACTED] to walk away. I did this just for [REDACTED] safety, again being a family disturbance and from prior training and experience I know how volatile they can become. I had [REDACTED] leave. [REDACTED] cooperated and [REDACTED] walked away.

Now at this point, while we were listening, Cpl. Cantu was standing on probably the top one or two steps, to the best of my recollection. He wasn't all the way up on the platform area and I was just below him. After we listened for the 10 or 15 seconds, or whatever the time was, Cpl. Cantu moved all the way onto the platform to the very east edge. There's a wall there. There's really no place to go, and I moved up to where he had been. I was now standing on the number one and two steps, if we'll call it that. One foot on the #1 step and another on the #2 step.

Cpl. Cantu knocked on the door, he knocked fairly loud so they knew that we were there because it was somewhat noisy inside the apartment, and I can't specifically recall what the noise was, but it was something to do with the radio or a TV. It was noisy inside the apartment which caused him to knock loudly. Some time went by. The door didn't open up right away. Again, to the best of my recollection it was probably another 10 or 15 seconds before somebody opened the door.

The door opened up partially. Not all the way. It opened up enough where Vic was able to see that there was somebody there, and he told the guy that - Well, I'm not sure exactly what he said. All I can recall is that at one point he told the guy that we wanted to see his hands. As soon as Vic, or Corporal Cantu, said I want to see your hands that kind of keyed me in. At that point I had leaned forward, there was really no room for me to step up onto the landing because I would have been directly in front of the doorway, so I leaned forward. I leaned my upper torso over and I was now able to see into the doorway that was open and I saw a male white subject. The male white subject was bent over - and the only reason I say that is just the way he was - the door was open partially and he kind of was bent over looking out the door to see who it was. He looked at Corporal Cantu, he

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looked at me. He kept looking actually at both of us back and forth several times. During this entire time, Cpl. Cantu kept saying, 'Let us see your hands, let us see your hands.' I couldn't see his hands. All I could see was his upper body. I had not unholstered my gun at that point. I had become cautious so I placed my hand on my gun. The gun wasn't unsnapped, it was still locked down. Corporal Cantu kept repeating, 'Let me see your hands, let me see your hands.' The subject apparently attempted to close the door at which time I believe Corporal Cantu pushed on the door. I'm not positive because I really wasn't paying attention to what Corporal Cantu was doing, I was so intently focused on the subject now and I was concerned that I couldn't see his hands. What I do recall tho, is that at the point the door swung open, I saw the male subject with a handgun. The handgun was pointed directly at me. It was a silver or chrome handgun, it wasn't a blue steel type handgun. But, the subject had brought the handgun all the way up and it was pointed directly at my chest. At that point, I believed he was going to shoot me and I withdrew my gun and began to fire. Now I heard gunshots just slightly before I fired and I assumed that the subject was shooting at me and again wondered why I hadn't been hit. Later I found out that it was Corporal Cantu shooting, but I began firing directly at the subject where he was in the doorway with the gun. After I fired all the rounds in my weapon and in my magazine, the door kind of swung open on its own, I guess we could say. The door opened up and Corporal Cantu and I entered the residence.

When we entered the residence, the male subject. There was a male subject laying on the kitchen or dining room floor and there was a [REDACTED] subject screaming inside the dining room and [REDACTED] was standing in the corner of the dining room - and this would be the southwest corner of the dining room. Cpl. Cantu immediately went to where the male subject was laying down on the dining room floor, and to the best of my recollection, he handcuffed him.

When we went in we saw, or I saw, a handgun lying on the - right on the edge of the dining room floor and living room floor - right inside the doorway. We were conscience, or I was very conscious not to move that or disturb that.

As I entered the house, or the apartment, the apartment was still not secured. I was still unsure of what had occurred and who else could be armed in the apartment. I pointed my handgun at the [REDACTED]. I told [REDACTED] to step out of the corner, get away from Corporal Cantu and the male subject. [REDACTED] walked over to me. I holstered my weapon. [REDACTED] was extremely upset. [REDACTED] was crying and screaming and I handcuffed [REDACTED]. I placed [REDACTED] in handcuffs. I told [REDACTED] that everything was okay, [REDACTED] wasn't under arrest, I was just handcuffing [REDACTED] and I sat [REDACTED] down on the floor. I was - at that time my intention was to sit [REDACTED] down and to secure the rest of the apartment because still at this point Corporal Cantu and I had no idea who else was in the apartment and if anybody else was armed. However, when I got up to leave the [REDACTED] subject began to move and was crawling towards Corporal Cantu and the male subject. And, the problem was, is the handgun was right between [REDACTED] and the subject laying on the ground. So, I couldn't leave [REDACTED] unattended. Corporal Cantu was busy with the male subject, so all I did was kneel on the living room floor with [REDACTED] and kind of kept my eyes on the back - the back bedroom area - the back hallway. The front door was open and the [REDACTED] basically just cried in my lap. [REDACTED] cried in my lap the entire time saying, 'Help [REDACTED] [REDACTED] help [REDACTED] [REDACTED]' and I said over and over again - 'the Paramedics are coming.'

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Let's see. Corporal Cantu stayed with the male subject the entire time until the arriving officers and paramedics got there. I believe, to the best of my recollection, Seal Beach officers were there first and I couldn't tell you which one. The first thing I did as soon as the Seal Beach Officers got there - the first thing we did is we had one of them somewhat secure the crime scene if you will. I wanted to be sure that nobody moved the gun or disturbed any evidence, and there was another Seal Beach officer right behind the first one and I gave - I told them to take the [REDACTED] and I told them take the handcuffs off [REDACTED] [REDACTED] not under arrest, just take [REDACTED] out of the apartment and take the handcuffs off [REDACTED] and get [REDACTED] out of our way for right now. They took the [REDACTED] out. That was the only dealing we had with [REDACTED]

Shortly thereafter Sgt. Farris showed up and took control of the crime scene. The Orange County Fire Department showed up and tended to the male subject that we had shot and then we were relieved of the scene. Cpl. Cantu and I walked downstairs and walked out front and we were subsequently transported to Los Alamitos Police Department.

Q: Okay. Can you give me an estimate of the time that this thing started and when it ended, what - you know - 2 minutes, 5 minutes.....

A: The entire incident, Lieutenant? or just the point where we were actually at the landing knocking on the door.

Q: Well, let's go with the entire incident.

A: Well, from the dispatch call to the very end. Um. Ya, 2 minutes would be a fair estimate. Time is difficult. I'm not sure if I could actually recall how long it took me to drive there. I can venture to say that from the time I parked my car until the incident was over was maybe a little closer to 2 minutes, but I don't think I can specifically how long it took me to drive to the call. But I would say from the time I parked my car, got out, walked upstairs, and the entire incident was over would be close to 2 minutes.

Q: Now how long had Cantu been standing at the door prior to your arrival?

A: I can't say unless I were to go back and review the time that he went - you know - on scene or 10-97 at the call. I don't think that it was very long. To the best of my recollection I recall him going 10-97 while I was maybe near Farquhar and Los Alamitos Boulevard, so we're estimating maybe a half minute or a minute before I had got there.

Q: Okay, the time that you got to the ramp or the entrance area to Apartment #4 to the top of the stairs. What was the time from that until the shooting? How much time did you spend there?

A: I'd estimate 30 to 45 seconds.

Q: When you walked up or when you went 10-97 or arrived at the scene and you walked up, did any citizen contact you as you were walking up?

A: Not that I recall, no. The only citizen I recall having any contact with was the [REDACTED] that walked to the bottom - that was at the bottom of the stairway that I told to move.

Q: Okay, but [REDACTED] did not say anything to you?

A: Not that I recall, no. [REDACTED] complied with my request and walked away.

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Q: Are you aware of any prior potential violence at this apartment, 3572 Howard #4, were you aware of any prior problems at that location?

A: No I was not.

Q: What time did your shift start that particular day?

A: To the best of my recollection I was working evening shift and it would have started at 5:00 p.m., 1700 hours.

Q: Okay, and this incident occurred at 1741, is that correct, or approximately 1741?

A: That's correct.

Q: So you weren't -- you were fresh since it was the beginning of the shift and....

A: That's correct.

Q: What was your mental state on this particular day when you came to work?

A: It was a normal day. Everything was as usual. There was nothing different. I wasn't tired, run down or anything like that. It was just a normal day at work.

Q: Now you received all your information in regards to this call via dispatch, correct?

A: That's correct.

Q: Were you aware that this was a 911 call from dispatch?

A: That I can't recall. I couldn't tell you right now - I can't recall that.

Q: Would you list for me the list for me the dangers of police officers responding to family disturbance calls.

A: Well, besides the number of dead policemen we have that have responded to family fight calls, the problem is that they become so volatile that as you're trying to help one side that side turns on you and now you have your supposed victim and your supposed suspect venting all their anger at our - at the police department. Usually alcohol is involved or some type of drug is involved which heightens their emotion and makes them do things a rational person wouldn't do. They're very unpredictable. It's probably one of the most unpredictable calls there are. I think we've all been to a bank robbery or a liquor store and we pretty much know what they're gonna do there - rob the liquor store and try to get in their car and drive away. Problem is with a family fight, they've been inside their apartment, they're inside their domain which we have no idea what's in there and we're supposed to go in and take care of 20 years of bad marriage in 10 minutes.

Q: Okay. Could you give me sort of a layout of the stairs and where you exactly positioned yourself on those stairs. Could you give me an estimate of how many stairs there were leading up to it?

A: The stairway, well the apartment and the stairway, is on the west side of the apartment complex. So the stairway began from the west walkway and went upwards towards the east if you want to say that. I estimate that there was 30 or 40 steps, 35 steps approximately, I couldn't be sure. From the walkway that actually runs between the apartment complex and the wall. There's a brick

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wall and then a walkway. You could actually walk from the street to the alley, so this would be the thoroughfare for all the residents of the apartment complex. And then from that walkway it goes up. Like I say, approximately 30 steps I suppose. And again to clarify when I arrived Vic was not on the platform but at the top two steps and then after we had completed listening and decided to knock on the door, Vic had moved up onto the platform to the very easterly edge. It's a very small platform and I couldn't really tell you the dimensions. It's very small, very narrow. There's another door right behind us to another apartment complex and after the subject had opened the door is when I began to lean over so I had a clear view inside the apartment.

Q: Where were you at. Were you still on the stairs at this time?

A: Yes I was.

Q: Which. How many stairs from the top down were you?

A: I was on the first two. One foot was on the first step down and my other foot was on the next step down.

Q: Okay, we've got the general landing area that goes to the door and then you've got one step down...

A: That's where one foot was.

Q: and then the second step, your other foot was?

A: That's correct.

Q: Were you in a crouching position?

A: Not originally. I was just standing up as straight as you could be I guess, offset on the steps. After he opened the door and Vic had said, 'Let me see your hands', that keyed me in to something and at one point I didn't crouch, but I leaned forward. Because if you can picture yourself on a stairway and if you're leaning upwards, well it's gonna bring your center of gravity, or it's going to bring me lower then him because I'm already down lower then him. So all I had to do is lean forward and I was able to look into the doorway area, into the door jam area.

Q: Okay, when Vic knocked on the door, how many times would you say he knocked on the door?

A: To the best of my recollection 4 or 5 times.

Q: Did he yell anything as he was knocking on the door?

A: Not that I recall.

Q: Do you recall seeing him put his finger up against the peep hole?

A: Yes I do.

Q: And would you tell me why he did that?

A: Well, I can't tell you why he did it. I can tell you why I would do the same thing. I prefer that the people inside the apartment can't see us and see where we're standing. As it turned out here the subject was armed. That would definitely give them the big benefit of knowing where we were

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and we didn't know where they were. I do that routinely. I don't like people to be able to look outside and then they can just open the door as quickly as they want and they'd actually be able to shoot us before we knew what happened. So that's something routinely I would do. I put my finger over the eye hole so they can't see where I'm standing.

Q: So you say he knocked 4 or 5 times?

A: Approximately.

Q: And did the door immediately open at that time?

A: No it did not.

Q: How long did it take for the door to open after the last time he knocked?

A: I believe as far as time is concerned it was approximately 15 to 20 seconds, so there was some delay. It wasn't an immediate thing.

Q: How far did the door open?

A: I don't know if I could say as far as inches - if - well I could say a quarter of the way, a third of the way - if that makes sense. In inches, um, 8 to 10 inches approximately.

Q: And at this point you were kind of crouched forward. Is this what you....

A: No. Originally when the door opened Corporal Cantu you know, and again I don't recall exactly what his opening statement was, but it led directly in to - Let me see your hands. And prior to let me see your hands, I was standing upright. I was on those first 2 steps and I was standing upright. Again it's another family disturbance, however, we haven't had any reason to heighten our fear, I suppose you could say that. So I was just standing upright. As soon as Cpl. Cantu said - let me see your hands - at which point I leaned forward so I could get a better view inside the doorway, because the doorway was open, and that's when I could see the subject's head and could tell that he was leaning over forward.

Q: Okay, when Cantu opened the door - or I'm sorry - when the suspect opened the door, did you hear Cantu yell "Police" or anything of....

A: No, not that I recall.

Q: Did you hear Cantu say something - Howdy, hello, or....

A: Now to the best of my recollection that was Corporal Cantu's opening state -- or the first thing he said when the door got opened - it was Howdy or Hello. That was the very first thing he said.

Q: Now how much of the suspect did you see again when the door opened that 8 or 10 inches?

A: Originally just his face. All I could see was his face, his head.

Q: You could see no portion of his body?

A: Well. I guess the shoulders. I could see the head, neck and shoulder area, but no not really. I couldn't see the arms or anything below your shoulders. So just kind of like you'd stuck your head out - you could just see this upper part right here.

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Q: You're indicating it was his right shoulder?

A: Ya, his shoulder, his neck and his face, right. He had himself pretty well concealed behind the door.

Q: Now at what point did you crouch?

A: Well I never really crouched, I leaned forward. As soon as Vic continued to say - Let me see your hands.

Q: And what could you see when you leaned forward?

A: Well, what had happened is when I leaned foreword and Vic kept saying - Let me see your hands - really I couldn't see all that much more because he had kind of moved back. Like I say, he was concealing himself. He was using the door as concealment. You could tell that he was keeping his whole body behind the door while he was just putting his face out there to see us so I really couldn't see that much more at that point other then just his face.

Q: So you couldn't see his hands?

A: No. I never saw his hands.

Q: Now you indicated you could see his shoulder. Could you see the top of his arm, the biceps area of his right arm?

A: No, not that I recall. Not that I recall.

Q: Do you think he had his arm concealed behind him, is that why you couldn't see it?

A: Well it looked unusual. It looked out of the normal we'll say. Because usually if somebody were to be leaning over like that you would normally, let's see depending - he opened - you would normally probably see a right arm. I mean it would be natural to have your right arm down if you're bent over this way, and it looked out of place because everything was kind of, like I say again - tucked or concealed behind the door. So it struck me as usual and it made me think, along with Vic saying 'let me see your hands' it made me think, okay what's this guy got in his hands, because it just appeared that something was out of place, the way he was leaning over and keeping everything behind the door. And again, it heightened that suspicion.

Q: Okay. Now was he in a crouched motion or a crouched position behind the door?

A: Well, it's - that's hard to say, I'm just speculating by the way his head was. His head was more I guess vertical - vertical or horizontal - So it was more horizontal. His head more of in a horizontal position indicating that he's either on his knees leaning forward or he's standing up and he's leaning forward. And that's what it looked like to me. He was standing up and he was just bent over forward keeping his hands and everything behind the doorway for concealment.

Q: So he was lower then you and/or Cantu. I mean as far as his head goes?

A: Not really necessarily lower then me because I was down one or two steps. So we were almost eye to eye. He was definitely lower then Vic was because Vic was on the same level he was, but I was down those one or two steps so it brought me down, plus I had leaned forward which brought me down even more. So we were almost pretty much eye to eye.

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Q: Okay. And you said it appeared that he was on his knees.

A: Well, I don't know if I can say it appeared he was on his knees. It appeared unusual, appearing as tho he could have possibly been on his knees or he was bent over extremely far. He just wasn't in a normal - he just wasn't in a normal position that someone would answer the door.

Q: Did this make you suspicious of -- this type of activity?

A: Ya, again, it heightened my suspicion - along with that and Corporal Cantu over and over saying "Let me see your hands" Now it has me concerned.

Q: Okay, now at what point or how did the suspect finally bring himself out to where you could see what he had in his hands. What caused this?

A: Well, Cpl. Cantu kept saying - let me see your hands - let me see your hands - During this incident is when the subject has his face. We could see his face. We made eye contact. He was looking at me. He could obviously see I was a policeman. He was looking at Vic, or looking in Vic's direction. At that point, to the best of my recollection, it appeared like the subject was going to, or attempted to, close the door and at that point the door got opened. I'm assuming, like I say again, because I'm watching him. I recall Vic - and I don't know if Vic pushed it with his hand or if he kicked it or whatever he did, but Vic shoved the door open. Vic pushed the door the other way. How he did it I'm not certain, but when Vic pushed the door the other way it opened the door enough that I had a better view and at that point is when the gun came up. It was so quick that the right hand - I assume it was his right hand - but the male subject brought up a gun - again a silver or chrome colored gun - and pointed it at my chest. That's when the shooting began.

Q: Okay, and what were you thoughts when you saw that happen?

A: Well he pointed - the gun was pointed directly at my upper chest area or my face and I was again waiting to be shot. It was again a race for life and death because I thought he was going to get a round off and shoot me before we could even get a round off because it was so quick. The door swung open, and the gun came right up at me. At that point I began to unholster and the shooting began.

Q: Was he still in the crotched position when the gun came up do you recall?

A: To the best of my recollection, yes he was. He hadn't stood up upright. He was still almost in that same type of position.

Q: So the opening of the door had not knocked him down?

A: No it did not. No it did not.

Q: Do you recall if it moved him in any way?

A: I don't recall. I became so focused on - I mean his face and then the gun - I couldn't tell you.

Q: Was the gun in a position to where he was aiming at you?

A: Oh ya! He was pointing - like I say it was pointed at my upper chest.

Q: Did he have it - Was it up to his eye like he was aiming it that way?

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A: I don't know if it was up all the way to face level that I can recall. The last picture of it I have in my mind it was probably up to his shoulder height. Like he had brought it out at arms length. I don't know if it was at his arms length. But I don't recall him getting it up to his head area like he was aiming through a sight, but he had brought it up fairly high and again I'll refer to maybe his shoulder area.

Q: So he was still in that same crotched motion when this....

A: Right, right - bent over position.

Q: What was the time span between the door being opened and the first shot fired, do you recall?

A: A second.

Q: Did you see - Were you able to determine whether the subject's finger was on the trigger?

A: I have no idea, no sir.

Q: Did you determine that the gun was cocked?

A: I couldn't tell you, no sir.

Q: And he did not fire off a round?

A: I later found out that he had not, that's correct.

Q: Did you say anything prior to pulling your service weapon and firing, or did Cantu say anything that you recall?

A: I didn't say anything and I couldn't tell you if Vic said anything. After the - let me see your hands point - after that I couldn't tell you what he said, but I never said anything to the subject.

Q: Okay, so just to go back over this again. The suspect was behind the door and for some reason you saw the door move inward, whether it was kicked or whatever, but the door was pushed inwards.

A: That's correct. I recall Vic doing - whatever he did - Vic opened the door. I just can't tell you how he did it. I don't remember if he used his shoulder or his arms or his feet - Vic pushed the door in. I just couldn't clarify to how he did that.

Q: And when he did that, when did the first shot come out? Do you recall when the first shot was fired?

A: That refers back to the second thing. I mean it was a second or two after that because as soon as that door opened the gun came up and then the shooting began.

Q: Do you recall who fired the first shot?

A: Well, at that time no. I later found out Corporal Cantu did. I - In my mind at the time of the shooting - again, thought I had been shot by him. Because he had the drop on us. I mean the gun was up at my face and chest and my gun was still holstered.

Q: And how far would you say the suspect was from you, as far as the guns concerned, his gun?

A: Three feet.

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Q: So he had his arm in a straight line towards your chest and head?

A: Right. Shoulder high and almost fully extended.

Q: And you and -- Is there any doubt in your mind as to whether this guy knew you were a policeman or not?

A: No, there's no doubt, because there's that time - you know like I say - he had his head out there and I had leaned forward and Vic was at the top of the landing and it was an eerie feeling because he wouldn't say anything. He just - he sat there and he looked at both of us. He looked at me, like I say, we had eye contact - he looked at Vic - he looked at me - or back at Vic and it was an eerie feeling because he wasn't - wouldn't say anything and he wasn't showing us his hands, so there's no doubt that he knew we were policemen. I mean we were both standing there in full uniform.

Q: What was your feeling when you looked at his eyes. Did it bring anything to you as far as a reaction or a sixth sense type thing?

A: Ya, I mean - you know from Vic saying - let me see your hands - he was concealing himself behind the door which has already increased our level of officer safety - and then the way I say - Not saying anything and looking at us. It just made me all that more cautious. It just made me all that more concerned about - what's this guy hiding.

Q: Could you describe what his eyes looked like. You say they were eerie?

A: No, I guess that's more of a feeling I got. Maybe it was more the way he looked at me then what his eyes actually looked like. It was just eerie the way he was looking at me. Cause I can say we were almost at eye level and it was just eerie is all I can say.

Q: How was the lighting in that little area you were in?

A: To the best of my recollection it was normal. I recall the sun still being up at that time of the day and it was a little darker in the hallway, but there was enough light.

Q by attorney: Were they back lit from the apartment?

A: No, no because all there is out there is two doors and there's no windows in the doors and I couldn't tell you if there was a light above the stairwell or not, but I didn't recall having any problems with the lighting.

Q: Was there a porch light on?

A: That I couldn't tell you. I can't recall. I don't recall one being on.

Q: But it was light enough to where there would be no doubt - in your full uniform with all your gear on he could identify you as being a policeman?

A: That's correct. That's correct.

Q: Now the way the door was - it was opened 8 to 10 inches - is there any way - How do you - How could you explain to me the guy being able to see both of you?

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A: Well, again because he was - he was leaned over and had his head right in the gore point, or the opening itself. I wouldn't say he had his head outside the doorway, but it was right there. I mean he had brought his head forward. Like I say, he concealed his body behind the door and that's why it was so unusual and yet he stuck his neck out and his head around as much as he could possibly humanly do. So it was not like he was standing back in the apartment and the door was cracked open and he was looking out. He physically put his head right there in the door jam area.

Q: Okay, would it have been kind of in front of the door?

A: Well, it's in front of the door itself that opens up. It's not in front as far as being outside.

Q: No, I understand.

A: In front of this part.

Q: Indicating his head was in front of the side of the opening of the door, between the door sill and the door itself. Then he could turn his head and look at both of you during this time?

A: Ya, I don't know if he could turn his head, but he was able to see me and he appeared to move his head towards Vic's direction, so ya, he was able to twist or turn, or whatever he needed to do, he was able to look at both of us.

Q: How many times do you recall him moving his eyes back and forth?

A: At the minimum 4 - at a very minimum. I know he looked at me twice and in Vic's direction twice, if not more.

Q: So when Cantu made his verbal demands, what did the suspect do?

A: As far as - let me see your hands?

Q: Right.

A: Nothing. Like we're back at the same position, bent over with your head at the door and that's the time he was looking at us. I mean that's when we're having all the eye exchange or visual exchange now. He wasn't doing anything.

Q: When he - When the door went open and he brings the gun up, what was you feeling?

A: That I was going to be shot.

Q: Okay. There was no possible way that he could have been handing the gun to you?

A: No, it was pointed directly at me.

Q: It was straight up?

A: Ya, it was pointed right at me - like I say, right at my upper chest or face area.

Q: And why is it important to have an individual's hands visual in circumstances like this?

A: Well, actually it's important in any circumstances in police work to have their hands visible because their hands are what kill policemen. Their eyes and face don't kill us it's their hands. If we can't see their hands we don't know what's in there, and in this particular case there was a gun there. So that's why Cpl. Cantu was emphasizing the fact that we wanted to see his hands.

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Q: Okay, now going back to the door and this push. Would you say the door was pushed first or the gun pointed first?

A: To the best of my recollection, the door was pushed first which opened the door more and allowed him to bring the gun up and allowed me to see it. That's to the best of my recollection.

Q: Okay. Now when you fired and the door went open and you saw the subject laying on the floor, what happened after that?

A: We went in the apartment, we made entry into the apartment.

Q: And where did Cantu go?

A: Cantu went to where the male subject was lying down on the dining room floor.

Q: And where did you go?

A: I entered - again, Vic or Cpl. Cantu had the male subject and I was concerned about two things - one the rest of the apartment because we had to clear that, and two - the [REDACTED] that was screaming in the dining room. [REDACTED] was hysterical, but [REDACTED] was my first concern because [REDACTED] was loose and free to go wherever [REDACTED] wanted. Vic was down on the ground with the male subject trying to handcuff him, so [REDACTED] was my first concern at that point. So at that point is the time I got [REDACTED] out and handcuffed [REDACTED]

Q: Now where was [REDACTED] located in the apartment?

A: Again, [REDACTED] was standing in the southwesterly corner of the dining room, right in the corner. Where the two walls would meet.

Q: [REDACTED] wasn't in the living room?

A: No, not in the living room.

Q: And you took [REDACTED] or you detained [REDACTED] at that time?

A: That's correct.

Q: And what did you do with [REDACTED] then?

A: I had [REDACTED] step away from the wall into the living room area --
(Side one of tape ended)

A: Again, as far as the [REDACTED] subject is concerned, I had [REDACTED] step away from the dining room area. As [REDACTED] stepped towards me, I handcuffed [REDACTED] told [REDACTED] everything was okay. I told [REDACTED] that [REDACTED] wasn't under arrest or in any type of trouble at that time. I was trying to calm [REDACTED] down. [REDACTED] was obviously hysterical, crying and screaming, and at that point I had [REDACTED] sit down on the floor. In the living room area, but again just within probably 4 feet, 3 or 4 feet of Cpl. Cantu and the male subject.

Q: Then your main concern in handcuffing [REDACTED] was for what reason?

A: Well, originally - originally I was just going to have [REDACTED] move out of the way and I was - my original intent was to clear the rest of the apartment. The problem was too [REDACTED] was so hysterical and

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uncontrollable over the incident, plus we still had a gun - loaded gun - on the floor lying next to the male subject and Corporal Cantu was busy with him. So, I had a crime scene that really wasn't secured with a gun, so I couldn't let [REDACTED] roam free, I couldn't clear the rest of the apartment - So the best way to detain [REDACTED] for [REDACTED] safety and our safety was to handcuff [REDACTED] and detain [REDACTED] and just sit [REDACTED] down on the ground.

Q: And you sat [REDACTED] down in the living room?

A: Right in the living room. Matter of fact [REDACTED] sat down and I kneeled down with [REDACTED] As a matter of fact I never left [REDACTED] [REDACTED] stayed with me the entire time until all the other officers arrived.

Q: How far would you say that you were - or both of you were from the body?

A: Probably 3 to 4 feet and the gun was between us.

Q: So if [REDACTED] had [REDACTED] hands free [REDACTED] could have bent over and possibly got.....

A: Sure, sure [REDACTED] could have got the gun, [REDACTED] could have - whatever - [REDACTED] could have got to Corporal Cantu, [REDACTED] had free reign, so that was the whole purpose of that.

Q: You indicated that the gun was loaded. Did you actually inspect the weapon?

A: No. If I indicated that - that would only be from knowledge after the incident. I will say that the gun was cocked. Upon entry and looking at the gun, the hammer was back. If I recall saying that the gun was loaded that's only from post information.

Q: Have you discussed this case with Cantu prior - prior to his writing his report?

A: Prior to writing his report that evening?

Q: Ya.

A: No, I have not.

Q: You did not. Have you discussed this case with Corporal Cantu prior to this interview?

A: Yes I have.

Q: What basically did you discuss?

A: Well, we usually discuss it every time I see him - I mean he saved my life and indirectly saved his life, so we're always discussing the fact that we survived a - you know - quite an incident. Not really discussing any of the details, but we discussed the incident and the fact that we were involved in the shooting and that we're happy we're both here.

Q: Okay, so there were no real details discussed?

A: No, we don't discuss the details of the incident.

Q: Let's take a break for a minute.....Okay, we're back on the air.

I'd like to go back and ask you some questions in regards to the - to [REDACTED] [REDACTED] and just sort of clarify what occurred again, if you would Mark.

A: Yes I will Lieutenant. Again, upon entry Cpl. Cantu went right to the male subject that was lying on the kitch - dining room floor I should say. Again, the handgun - the chrome or silver handgun - was directly in front of the male subject's head lying on the floor. When I went in the

█████ was standing in the corner, as I explained, hysterical, crying, screaming. For █████ safety, Corporal Cantu's safety, my safety, I brought █████ out. I did bring █████ out at gun point. My gun was pointed at █████. Like I say, this was an unsecured scene, we'd just been involved in a shooting. Once █████ stepped out from the corner and away from Corporal Cantu, I holstered my gun and placed █████ in handcuffs. While I was putting █████ in handcuffs, I explained - I told █████ that everything was okay, █████ was not in trouble, █████ was not under arrest. I told █████ █████ was just being detained and we were going to sit down. As soon as I got █████ cuffed, I sat █████ down right there on the living room floor very close to where Corporal Cantu and other subject were, and we sat together. I got down on my knees. █████ was down there, █████ was crying the entire time and saying over and over again - help █████ help █████. I was with █████ the entire time, █████ was crying in my lap. I kept repeating, the Paramedics are coming, the Paramedics are on their way. █████ continued crying. I couldn't leave █████. Originally when I sat down with █████ she wanted to get up and go to █████. And again, the gun was right there between █████ and █████. Corporal Cantu was over there busy with the male subject so I couldn't leave █████ and I still was concerned about the other part of the apartment which I couldn't see. There was another bedroom and bathroom at least. There are other areas that I couldn't clear. So, I kind of had to keep █████ in a spot where I could see most of the apartment and yet keep █████ out of everybody's way and not disturb the crime scene. █████ was handcuffed. █████ stayed with me the entire time and we never left Corporal Cantu or █████ sight. We were directly in front of them. They saw us the entire time. We never left that area. We never left the floor where I originally sat █████ down at. Whatever time it was before the Seal Beach Officers got there, like I say, it was either the first or second officer that came in the door - We stood █████ up. I told them to take █████ out of the scene, that █████ not under arrest, get the handcuffs off of █████ as soon as █████ got out the door and that was the last I saw of █████. That was the last contact I had with █████. So, █████ was never removed from the front room area, never taken out of Corporal Cantu's sight or █████ sight. █████ was handcuffed, █████ was told █████ was not under arrest or in any type of trouble, that she was just being detained for everyone's safety.

Q: Did you at any time push █████

A: No. There was no need to push █████. █████ walked towards █████. I reholstered my gun and put █████ in the handcuffs. To the best of my recollection █████ even put █████ hands behind █████ back. There was no type of physical force whatsoever used to handcuff █████.

Q: Did you ever force █████ to the ground?

A: No. As a matter of fact I said, let's sit down together. I had █████ sit down and I got down on my knees right next to █████ so we basically both got down together.

Q: Was there any first aid or CPR given at the time?

A: Corporal Cantu was with him and, like I say, I'm not really sure what Corporal Cantu did after that because I was focused on two things. One, █████ was crying in my lap, and two I was more concerned with the back bedroom and bathroom area because we hadn't cleared those, so I'm not sure exactly what Corporal Cantu did before the Fire Department arrived.

Q: Could you give me a time estimate as to when - you know - Do you remember when Paramedics were called out?

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A: I'm assuming they were called immediately after we put out the Code 998-Officer involved in gun battle. I'm assuming that. I'm not sure when Dispatch called them. As far as a time element, I'm estimating that it took two minutes, two and a half minutes approximately for the Fire Department to get there.

Q: Now the subject's gun - Was it close to his hand when it was on the floor?

A: Well, I can't say if it was close to his hands - Well, I can't recall where his hands were. It was close to his head tho because he was - His head was at the - was facing towards the west, towards the living room area and the gun was directly in front of his head - just west of his head by a foot - approximately a foot in front of his head.

Q: After the door was pushed and the first shots rang out, do you recall seeing the gun being dropped by the suspect or did he still have a hold of it when he hit the floor?

A: That I don't know, I couldn't tell you.

Q: But the gun was in close proximity to him?

A: Yes it was.

Q: So you don't know if Cantu took the gun out of the guys hand and set it where it was or if it just...

A: No, that - No. Corporal Cantu and I did not touch the gun. The gun was on the floor when we came in. You just had asked me if it was near his hand and I don't recall where the male subject's hands were, but Corporal Cantu and I did not touch the gun whatsoever. Where the gun was found by the investigators and the other arriving units is where it landed. It was never moved or touched.

Q: Okay. Is there anything you'd like to add?

A: No Sir.

Q: Okay. This will conclude the interview with Mark VanHolt. The time is 1036 hours.